

ELEMER BALOGH

POLITICAL REFUGEES IN ANCIENT GREECE

FROM THE PERIOD OF THE TYRANTS
TO ALEXANDER THE GREAT

with the collaboration of
F. M. HEICHELHEIM

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IMMORTALI MEMORIAE
IOANNIS SELDENI
VIRI IURIS ET IUSTITIAE PERITISSIMI
IURISPRUDENTIAE COMPARATIVAE
INSTAURATORIS.

D.D.D.

Οὗτοι συνέχθειν, ἀλλὰ συμφιλεῖν ἔφυν.

My nature is for mutual love, not hate.

Sophocles, *Antigone*, v. 523.

Καὶ τὸ τοῖς βελτίοσιν ὑπάρχον, ἢ ἀπλῶς ἢ ἢ
βελτίους,
οἷον ἀνδρία ἰσχύος. καὶ ὃ ἔλοιτ' ἂν ὁ βελτίων, ἢ
ἀπλῶς
ἢ ἢ βελτίων, οἷον τὸ ἀδικεῖσθαι μᾶλλον ἢ ἀδικεῖν.
τοῦτο γὰρ ὁ δικαιότερος ἂν ἔλοιτο.

So also there are those things which better men possess, either absolutely, or in so far as they are better; for instance, courage in preference to strength. And there is the choice of the better man, either absolutely or in so far as he is better; for instance to suffer wrong rather than to commit it; for that is what the juster man would choose.

Aristotle, *Art of Rhetoric*, A 7, 22.

PREFACE

It is now several years since I began to investigate the refugee problem with the aid of the materials available in the big European libraries. As there have been refugees from time immemorial I felt that the subject should be treated exhaustively. I therefore planned a study in three parts, namely the refugee problem in ancient times, in the middle ages and in modern times.

Unfortunately, as a result of the war, I was no longer able to use the resources of European libraries, nor could I obtain all the books which I would have liked to consult. I was forced to abandon my study as I had planned it. After some hesitation, I decided to publish this portion of the work which was almost completed before the war. As there were insurmountable difficulties in procuring much of the up to date literature in Johannesburg, I was fortunate in securing the collaboration of Dr. F. M. Heichelheim, Ph.D., Assistant Lecturer in Classics and Ancient History at University College, Nottingham. Dr. Heichelheim not only revised the manuscript but also made important additions for which I thank him.

I have attempted to show that the refugee problem is not new and that, while history does not always repeat itself, there is much that students of comparative law can learn from the history and legislation of the classical world, as I have shown in previous studies. This aspect will be further dealt with in a book entitled "Cicero and the Greek Law" which I am preparing for the press. I gave a brief outline of my views on this subject in an address delivered at the University of the Witwatersrand, Johannesburg as a contribution to a Symposium "Our Debt to Greece" held on the 17th of June, 1941.

I am particularly grateful to Professor M. Cary, D.Litt., Professor of Ancient History in the University of London, for his kind interest in my work and for the trouble which he took in reading my manuscript both in its original and in its revised forms. My thanks are also due to the authorities of the University of the Witwatersrand who made it possible for me to complete the work and to have it published. I wish, too, to thank Mr. A. I. Wagner and Mr. S. Davis of the Department of Classics, University of the Witwatersrand, for their kind help in reading the proof-sheets.

Johannesburg,
August 28, 1942.

E. BALOGH:

CONTENTS

	<i>Page</i>
PREFACE	xi
INTRODUCTION	xv
CHAPTER I. FROM TRIBAL USAGE TO CITY LAW	1
CHAPTER II. PROSCRIPTION AND BANISHMENT IN THE GREEK POLIS	5
CHAPTER III. THE POLITICAL REFUGEES IN EXILE	41
CHAPTER IV. THE REPATRIATION OF POLITICAL REFUGES	57
EPILOGUE	83
LIST OF ABBREVIATIONS	85
NOTES	87
INDEX I.: NAMES AND SUBJECTS	130
INDEX II.: SOURCES	134
1. Literary Passages Discussed or Quoted In Translation	
2. Inscriptions Discussed or Quoted In Translation	

INTRODUCTION

ONE of the most difficult and disturbing problems of recent years is that of the political refugee. Not a year has passed since the first Great War which has not seen thousands of people forced to flee from their home countries on account of their race, nationality, adherence to a party or an ideology. All efforts on the part of civilized states to divert this stream of unwilling emigrants into orderly channels have, up to the present, been without major success. Yet there have been refugees at all times, and the problem is a very old one.

It has occurred to us that something may be learnt to help to solve our contemporary problems by comparing them with corresponding situations in ancient Greece, especially as we are able to judge those events without resentment or partiality. Although our investigation arose out of present-day problems, we have taken care, in dealing with the refugee question in Greece from B.C. 600 to c. 300, not to interpret the evidence of ancient sources in the light of modern events.

In fact, in certain periods the political refugees were, as in our own time, so numerous in the Hellenic world that they were able to exercise a decisive influence on the trend of history ; but although the modern and ancient phenomena of the political refugee may appear to be similar, the causes are not identical. There is an apparent correspondence in the events ; but the origin of the Hellenic refugee problem is to be found in completely different sociological circumstances and in conditions of life which should be carefully distinguished from our own. Our main task, therefore, is to ascertain the conditions underlying the ancient development, and at the same time to investigate what efforts were made to solve the problem.

Our survey will fall into four sections in accordance with the character of our subject. The first section will be concerned with what we know, from early Greek authors and from institutions and customs which persisted in later centuries, about the legal position of political refugees before the time

of the tyrants. We shall next discuss, for the particular period of our survey, the causes which led either to legal expulsion from the community as a political measure, or to deportation from the territory within the sovereignty of the state, or to voluntary departure from the homeland. We shall accompany the exile to his place of refuge and consider the attitude adopted there towards him and his legal position. Finally, we shall come to the possibilities of repatriation and to the legal arrangements involved.

We have, however, to bear in mind continually that the legal positions for the various types of exiles never constituted the reality completely, and were, as a rule, merely an outward show. Moreover, if we do not wish grossly to deceive ourselves, we must make due allowance for the social outlook, the economic structure and the ideas which moulded Greek society. For instance, the religious conceptions, changing as they were during the different periods, belong to the hidden undercurrents whose influence on the problem with which we are concerned cannot be underestimated. In many cases in fact this influence was decisive.

CHAPTER I

FROM TRIBAL USAGE TO CITY LAW.

The first great difficulty with which we are confronted lies in the conception of the political refugee, a term which is modern and ill defined. But when we consider its equivalent in the Greek language (*φυγάς*), a word which is found in use from the time of Herodotus and Aeschylus onwards, we shall find it equally difficult to determine its precise meaning. The Greek word includes anyone who has become an exile from his native land, and lives abroad without nationality or a fixed place of abode. The Greek language does not differentiate between the various categories of refugees, but puts the common, criminal fugitive on the same footing as the political refugee whose offence consisted in the desire to alter or to overthrow the existing constitution of his country. This lack of exactness in the meaning of this term is by no means surprising. It is explained by the character of the Greek language the development of which during the century before the Persian wars probably created this expression and most of the terms related to it (1), an attitude which the growth of Greek philosophy was to alter.

To understand our subject properly we have briefly to consider the origin of banishment as a method of punishment (2). The Greek *polis* state borrowed, in all likelihood, banishment in all its forms, whether proscription (*ἀριμία*), lifelong banishment (*ἀειφυγία*), or voluntary self-exile (*φυγή*) from the tribal law of its Ionian, Aeolian and Dorian ancestors who had conquered Greece during the later Bronze and earlier Iron Ages. This origin left an unalterable impression. Flight from one's native land was a survival of a bygone age, kept alive by tradition and political necessity. For this reason it appeared to the Greeks of the Classical period at the same time to be as ancient and venerable as it was barbaric. Under the more civilized conditions of life in the fifth and the fourth centuries B.C. banishment endured like some strangely fossilised barrier of Greek social life which successive generations could hardly move from its place, much less clear away.

The strength of the tribes who had settled in Greece lay in their cohesion, and in the solidarity of their members who had to answer all for each and each for all. The tribe, with very few exceptions, owned the land which it had occupied, and which it had allotted to its clans. Its main object was to survive as a strong community defended against all exterior influences. Right and justice had validity almost exclusively in the tribe. Every stranger was under suspicion of dangerous magical influences (3) and was considered as an enemy. Robbery and piracy against anyone outside the protection of the tribe and later of the state were occupations which were legally acknowledged and honest (4).

No stranger had any share in the rites which centred round the hearth on which the ancestor of the clan was worshipped, both as its divine source and its protective spirit. The oldest member of a family was its judge by right of age. He was the head of all its members, the representative of the ancestor, and against any decision inspired by the ancestor there was originally no appeal. Under this system of law expulsion from the tribal unit was a terrible punishment. For not only was an outlaw deprived of his kinsmen's assistance, but even gods and the ancestors no longer recognised him; his offerings and his worship were no longer acceptable to them (5).

Both in life and after death the outcast was for ever unfortunate, burdened, together with all his descendants, with a terrible curse, till the end of time. The only way for him to find a certain amount of protection was to flee to certain acknowledged temples or graves or to the hearth of a family, holding, or crowned with, woollen threads wound around branches of trees or bushes, the so-called *ἱκετήρια*, and to wait there until the community to which the temple or the hearth belonged would promise him protection or expel him (6).

This seems to have been the earliest stage in the development of that punishment in which we are interested. The prototype of an exile was a criminal who had committed offences against his own tribe, against his own flesh and blood. We understand why it was so very difficult to eliminate the solidarity of the family in cases of expulsion by the later *polis*

state. A great many Greek communities, as late as the fourth century B.C., were, therefore, averse to such change of practice (7). We are here confronted with a phenomenon which even to-day exerts a powerful influence.

It is rooted in the innate human belief that the fate of the individual is directed by justice. The exile is not merely the victim of his political opponents, who have expelled him in order to rule alone and without opposition. The majority of the onlookers also, together with the victors, load him with moral guilt to justify the decision, and many impartial neutrals and even friends will arrive at the conclusion that the refugee would never have been expelled without a just cause or at least without a compelling reason. His homeless wanderings are turned into a link in an awkward chain of causation. The unfortunate individual himself is considered as the prime mover of his fate, whereas, on the contrary, he is usually suffering from the consequences of a general persecution. For this is the tragic element attaching to old traditions that even when they have long lost their significance they still retain the authority and standing which they previously possessed. Only by strong and continuous psychological efforts can the conservatism of mankind be brought to recognize the changed content of an old and venerable form. This explains the practice of all revolutionaries to maintain the outward appearance of existing institutions, while in reality changing them radically and placing them in the service of a new order.

It thus becomes easier to understand that, as the social and economic changes of the so-called Archaic period of Greece (8) undermined the position of the clan, the fiction that the clan continued to remain the backbone and foundation of the city-state, was more eagerly upheld. Indeed, *dike*, i.e. the unwritten inter-tribal law and custom (9) which united the various groups of settlers in the new *poleis*, had been unwilling to dispense with expulsion, a form of punishment which was directed to a certain extent against tribal solidarity.

It now became possible for a clan to sacrifice one offending member in order to escape the blood revenge of another injured clan, which might possibly harm all other members. One might maintain that the interests of the tribe remained

paramount in spite of this innovation, and that the individuals remained subordinated to the collective interests. But, nevertheless, the possibility of being deserted by one's own family in consequence of an injury done to an alien clan, does for the first time indicate a certain weakening of tribal law and the steadily growing importance of *dike*, the earliest law of the city-state. Hand in hand with this change in the liability of the individual we find also a mitigation of his punishment. The sense of justice which now recognised that an injury, even when done to a strange tribe, was still wrong, gradually led to the realisation that there were various degrees of guilt. With regard to the killing of a human being, although no distinction was yet made between murder, manslaughter, culpable homicide and bodily injury with fatal results, we find that in the execution of the punishment of expulsion, the changed outlook can already be noticed. For example, in the case of the boy Patroclus (10), who killed one of his comrades at play, expulsion took place in a way that enabled the father to influence the choice of an asylum where his son was able to lead a life in accordance with his rank.

CHAPTER II

PROSCRIPTION AND BANISHMENT IN THE POLIS.

A. *Athens from Cylon to Pisistratus.*

The fully developed Greek city-state continued to maintain the practice of expulsion, but it incorporated it in its own system of law with logical consistency. Here as always survival of the community was the main object of the law-makers. This can be most easily realised when we survey the development of justice in Athens, the best known of all Greek *poleis*, as far as political offences and the protection of the state were concerned (11). Our method will enable us, by means of practical examples, to demonstrate how new methods were continually applied in the attempt to guarantee the order and security of the Athenian state and its constitution.

The first historical (12) name with which we are to be concerned in our survey is that of Cylon ; the first event is a *coup d'état* of about 630 B.C. (13). Cylon, a young Athenian noble, possessed by ambition, and son-in-law of Theagenes, the tyrant of Megara, was Olympic victor in the chariot race of B.C. 640, and, relying on a Delphic oracle, believed that the moment had come to establish a *tyrannis* at Athens. Supported by partisans in the city he occupied the Acropolis. His opponents, the Eupatridae, i.e. the upper class of the nobility, called up their followers from the country ; but as the siege operations dragged on, most of these supporters returned to their farms. The *archon* Megacles, an Alcmaeonid, and his colleagues in the archonship remained with unlimited authority to settle the affair according to their own discretion.

Megacles, thereupon, began to negotiate with the rebels who, despairing of success, fled for refuge to the temple of Athena Polias and to the altars of the Erinyes. Megacles promised to save their lives if they left the temple, but allowed his supporters to kill the majority of the rebels in the streets of Athens, as soon as the rope gave way with which, in order not to lose Athena's protection, they had attached themselves

to her statue. Cylon himself and his brother succeeded in escaping to safety in Megara, and incited Cylon's father-in-law, the tyrant of this town, to go to war with Athens. A number of others were spared because they were able to flee for safety to the wives or to the hearths of the archons. Illogically enough, the party of the Eupatridae was unwilling to violate the rights of asylum a second time. But the odium attaching to informal execution remained, and the responsible officer, Megacles, realised clearly that he had exceeded his legal powers.

Accordingly a court of justice (14) was assembled, perhaps in the Prytaneum, in order to punish the supporters of Cylon. It sentenced the rebels and their descendants to perpetual outlawry, the only decision which could fully exonerate the Alcmaeonids. Megacles had committed an offence against the goddess according to traditional law. He had caused the death of suppliants, and could only be considered guiltless, if those murdered had no longer anything in common with the goddess, but were outlawed from the community.

This retrospective legitimation of an act of violence, this proscription by a court of law, clearly indicates to us that the rebel faction could not have been insignificant. Perhaps, however, this tribunal was at the same time an attempt to convince the masses of Athenian citizens that the struggle with Megara which now ensued would be a defensive war, forced on the government of Athens by Cylon and his father-in-law, the tyrant of Megara. Athens had great difficulty in maintaining herself during this conflict, and public opinion in the city underwent a gradual change. Megacles, who had probably died meanwhile (15), was no longer regarded as the saviour of the state. He had polluted himself and his clan by violating the rights of asylum, and by continuing to tolerate his relatives within its walls the whole city might become guilty.

The opposition party had now learned its tactics from Megacles himself. It seems that they had been able to secure the assistance of moderates like Solon. They now waged their struggle for power in the name of justice. The Alcmaeonids, the whole clan of Megacles, were compelled to submit them-

selves to trial before a special court composed of 300 members who were selected according to noble descent and wealth. They were now condemned as could have been expected. They were to be removed from Athenian soil whether alive or dead. The living were expelled, the bones of the dead plucked from their graves and cast beyond the frontier. This was the vengeance taken upon Megacles.

The tradition of the 'Cylon' episode has not been handed down to us for its own sake. The importance of these events lay in the stain which thereafter attached to the Alcmaeonids. All our authorities with regard to Cylon's *coup d'état* are concerned exclusively with the question of their guilt or innocence. The account of Herodotus is in their favour, but he is contradicted by Thucydides. This attitude of the sources is all the more intelligible when we remember that the 'accursed' family (*ἐναγείς*) played the main part in the development of Athens during the following centuries, in spite of, or perhaps because of, their exceptional position.

When we consider these first two cases of political banishment, we are immediately struck by the similarity of the conditions in which they took place, namely as the result of a verdict of a court of jurors. This gives one reason to assume that such a procedure must have been traditional in Cylon's Athens (16). On the other hand, a considerable difference can be found between the two procedures. It was possible to pronounce the decree of *atimia*, i.e. proscription, immediately in the proceedings against Cylon and his supporters, as it was merely a case of condemnation *in absentia* and of establishing a state of emergency in law, which already existed in fact. The Alcmaeonids, on the other hand, were allowed to defend themselves, and were apparently even given a court favourable to themselves. They were in full possession of their rights as citizens (*ἐπίτιμοι*) right up to the moment of their condemnation. In consequence, they could not be outlawed at once, which would have meant that they could have been killed on the spot. They could only be sentenced to lifelong banishment. It seems to have been this juridical difference that made it possible for Solon, when engaged in establishing his new order, to include the Alcmaeonids in his

amnesty, and at the same time to exclude the clans of Cylon and his partisans (17).

It is true that the significance of these purely juridical arguments should not be over-emphasized. For it is not so much to the difference between the two cases, but to the political currents of the moment, favourable to the supporters of the constitution and opposed to tyranny, that the law of Solon restoring the *epitimia* of the Alcmaeonids is mainly to be ascribed. The pre-Solonian period did not know a definite code of laws for the protection of the state. The fact that it was necessary to institute special courts for the Cylonian trials is an indication of such a position. As long as a written code of law did not exist in Athens, the *polis* had to adopt whatever methods seemed possible. The expedient of trial before a special court must have been soon discovered; but this procedure has the drawback that the measures that are taken always come after the event.

It should also be noted that the Greeks knew of methods of camouflaging a political offence even during this early period. The Alcmaeonids seem to have been sentenced to banishment on account of their impiety (*ἀσέβεια*) while all the world knew that the question at issue was not their pollution (*ἄγος*) but their predominance in the city and their opposition to tyrants. This camouflage, however, had a further and very important consequence. In going back to the primitive punishment of tribal law, one was also bound to carry out its venerable and traditional forms; hence the banishment of the entire clan had to follow. The fate which thus befell them made a lasting impression on the Alcmaeonids. They took to heart for ever the lessons learnt during this terrible experience, and forthwith developed a family policy which was to make them the inspiring, but at the same time restraining, leaders of the Athenian *demos*.

Our picture of the political struggles in Athens at this time is necessarily fragmentary; but, nevertheless, the difference between the sentences passed in the two trials referred to is significant and forces us to assume the existence of a complicated interplay of political intrigue in pre-Solonic Athens, a period which we moderns are only too easily inclined to

regard as primitive. We must seriously endeavour to free ourselves from such prejudices, which originate in our knowledge of the new and surprisingly modern content of Solon's code, compared with which everything which preceded it seems archaic. None of us would dream of drawing conclusions from the theory of the 'rights of man' of the French revolutionary era to estimate the degree of refinement in the social structure and spirit of the 'ancien régime.' In the same way, we must be careful not to assume that the society preceding Solon was primitive. Indeed, we have already noted the masterly skill with which the ancient survivals of tribal rule were employed to combat political opponents.

In this connection, as in most others, Solon (18) carried through revolutionary innovations. From his experience during the period of disturbance which he had to condone, he came to the conclusion that, in his state of *eunomia* founded on justice, proscription *sine lege* must be abolished. Banishment decreed arbitrarily as a punishment renders, indeed, illusory all security which the law guarantees to the individual. A law granting an amnesty tried to repair the wrongs of the past. For the future Solon entrusted the most respected court of the city, the Areopagus, i.e. the council of the aristocratic family heads, exclusively with the judgment of cases of conspirators plotting the overthrow of the constitution (*ἐπὶ τῇ καταλύσει τοῦ δήμου συνιστάμενοι*). The charge of *eisangelia* in these cases could only be brought before this court (19).

It was also characteristic of Solon that he realised that this law would be insufficient to guarantee the continued existence of his *eunomia*. He therefore decreed a remarkable law which made it a duty for each Athenian to join one or other side in the party struggles of the future, on pain of becoming an outlaw and forfeiting his rights as a citizen (20). Solon with his acute insight into human nature seems to have realised that the majority of people lack the faculty of quick decision or even the courage to fight for their convictions at the right moment. As a result, it often becomes possible for a minority, by intimidation and terror, to obtain a victory. This takes place especially when calmer sections of the people

abstain from voting, and an apparent majority is thus established which does not exist in reality. Solon, by means of this law, endeavoured to rouse the non-political sections of the people to action, and to turn them into the decisive factor in politics. This duty for the *demos* of making a clear and quick decision one way or the other would, he hoped, be most effective in forestalling *faits accomplis* against which the jurisdiction of the Areopagus could achieve nothing. In this manner he hoped to prevent crises and civil wars. To deal with the incorrigible agitators and conspirators he could content himself with improving the procedure against high treason which led to the traditional penalties of death, banishment and voluntary exile.

The period following Solon found it impossible to maintain this tremendous progress continuously. Aristotle (21) makes mention to us of a law which seems to have arisen out of the disturbances of the Pisistratid period, and which in two respects tightened up Solon's legislation. In the first place, those who endeavoured to establish themselves as tyrants were now also punished, and not merely those who succeeded in introducing tyranny. In the second place, recourse was had to the procedure of outlawing such offenders with their families. Aristotle probably misunderstood the wording of this law, because during his lifetime the terms *atimos* and *atimia* no longer meant 'proscribed' and 'proscription,' but merely, 'deprived of civil rights' (22). This misunderstanding on his part, however, should not lead us to commit the mistake of considering this regulation apart from its context, a chapter describing the *tyrannis* of Pisistratus. The law in question was, therefore, probably framed during the disturbed time of Pisistratus's unsuccessful *coups d'état*. Its wording gives, perhaps, indications of a pre-Solonic model. It is hardly likely that the tyrant repealed it after his final victory, as we know that he left the Solonic institutions and magistrates intact, though he took good care that his supporters retained key positions.

The attitude of the Alcmaeonids (23) during the Pisistratid period is peculiar. We find them, led by the younger Megacles, deeply implicated in all intrigues. They were at the head of

one of the traditional parties, the Paraloi, 'the people of the coast,' whose interests were connected with the sea and conflicted with those of the Pediakoi, 'the people of the plain,' i.e. the landed aristocracy. Pisistratus (24), on the other hand, was the founder of a new party, that of the Diakrioi, 'the people of the mountains,' who were mainly herdsmen and poor farmers from the hills. There associated with these men the poorest class of town citizens and others whose citizenship itself was doubted owing to their descent.

At his first *coup d'état*, Pisistratus surprised the leaders of the opposing parties and obtained possession of the Acropolis. His victory seemed so complete that the Alcmaeonids regarded their cause as lost and left the country (25). The tyrant's position was, however, in no wise assured, because he was able to reckon on the support of that party only which had carried him to success. The two other factions adopted a reserved attitude. They quickly recovered after the first shock of surprise, and combined to expel Pisistratus who could not reap the fruits of their discord (26). The experience, however, had taught them nothing, and the danger was hardly over before the old quarrels between the two parties broke out again.

During the course of this struggle an alliance was established between Megacles, who had been abandoned by his own party, and Pisistratus, who was again to become the master of Athens. The main condition that Megacles imposed was that the latter should marry his daughter. Pisistratus was, indeed, successful in returning to Athens and again acquired power; but his rule was of short duration, largely because he was unwilling to observe the conditions imposed by Megacles. In particular, although he married, he neglected his Alcmaeonid wife, because he did not want children against whom the Cylonian curse might be used as a political weapon (27). A reconciliation followed between Megacles and Lycurgus, the leader of the Pediakoi, and Pisistratus was forced, for a second and longer period, to leave the city (28).

On the third occasion, he was able to establish his rule over Athens not with the assistance of many domestic partisans, but mainly with the support of mercenary soldiers and an alliance with Greek nobles, such as Lygdamis of Naxos and

the Hippobotes of Eretria, who intervened in his favour against the Athenians. The majority of his opponents, defeated in battle, went into exile, and Pisistratus occupied Athens without further bloodshed by granting a wide amnesty (29). The interest of these troubled times lies not so much in the rapid changes of fortune, in the flight and return of opponents, as above all in the decisive role played by the family of the Alcmaeonids. In fact these changes of fortune led in no case to legal proceedings that resulted in formal sentences of banishment. Invariably the defeated faction went into voluntary exile. We see how Pisistratus established his ascendancy by means of two clever moves, once by making use of the feud between the Paraloi and the Pediakoi, the second time by means of an alliance with Megacles.

The conflict between Pisistratus and Megacles represents a struggle between two men and two epochs. On the one side, we have Megacles, a scion of the old nobility, immensely wealthy and accustomed to wield power, who, in consequence of the hate and justified mistrust of his own class, embraced the cause of the *demos* and especially that of a wealthy middle class. On the other hand, we have a self-made man belonging to a much less distinguished and wealthy family, supported by the lower and poorer classes, who, as might be expected, dislodged his opponent.

B. *Classical Athens.*

The position of the Alcmaeonids was always difficult, because, in spite of their democratic convictions, it was always remembered against them that they belonged to the Eupatridae, to the old upper class. The real reason for their attitude, so different from that of the rest of their class, was to be found in the ancient curse of pollution, which continued to hang over them like the sword of Damocles, and against the effects of which they had repeatedly to defend themselves. This explains their family policy of maintaining the delicate balance in political life which would make it impossible for any party to govern without their assistance. It explains also their hereditary enmity towards tyranny which would deprive them of that position in the *polis* that they, as standard-bearers of the *demos*, wished to occupy themselves.

They learnt the lesson taught them by their great opponent, Pisistratus, and sought and found foreign allies. The oracle of Delphi acted as intermediary between them and Sparta, which regarded the far-sighted foreign policy of the tyrant of Athens as a menace (30). In addition, the sons of Pisistratus, who succeeded their father without difficulty, did not inherit his diplomatic ability, and revealed the nature of despotism more clearly. Thus, the murder of the Pisistratid Hipparchus by Harmodius and Aristogeiton (31) gave the signal to raise the standard of revolt. After an attempt of the Alcmaeonids had ended in failure on the battlefield of Leipsydrium, and a first Spartan invasion of Attica had been defeated, the Spartans let King Cleomenes take the field. By a lucky chance he was able to obtain possession of the tyrant's children, just as Hippias was endeavouring to take them to a place of security.

He agreed to all conditions in order to save his children. He quitted Attica in five days and retired to Sigeum at the entrance of the Hellespont (32). Hippias, his brothers and his sons were proscribed for all time, and, together with a list of their crimes, their names were engraved on a column of shame erected on the Acropolis (33); but it should be noted that all other members of this family were permitted to remain in the *polis*, provided that they had not personally committed an offence. We are thus able to record a definite advance on the law recorded by Aristotle which provided for the proscription of the whole family.

This tendency appears with even greater significance in the conduct of Cleisthenes, the leader of the Alcmaeonids, after he had defeated his political opponent Isagoras in B.C. 508. The immediate consequence of the collapse of the *tyrannis* in Athens had been a recurrence of party strife. The Alcmaeonids, led by Cleisthenes, had in all likelihood been responsible for the mild treatment of the Pisistratid clan with the exception of the ruling family. They saw themselves now confronted in the city by their old opponents, a group of the Eupatridae led by Isagoras. These wanted to re-establish the supremacy of the nobles, whereas Cleisthenes, in accordance with his family tradition, strengthened his alliance with the middle classes, but also endeavoured to gain the support of the lower classes, the old adherents of Pisistratus (34).

The Spartans naturally supported Isagoras, whose political outlook corresponded with their own. With their aid he was able to obtain the upper hand in the beginning ; but as he attempted a revision of the citizen-roll, with the object of excluding all those who had been naturalised during Pisistratid rule, he lost the sympathy of the masses. Too many of them had been admitted to the status of citizenship under Pisistratus and his son (35). This led to a step by Isagoras which can only be called desperate. He openly called in the assistance of the Spartans, and these demanded that the Athenians should atone for the Cylonic pollution by expelling the Alcmaeonids again, a formal request which was repeated by Lacedaemon at the beginning of the Peloponnesian War with the intention of undermining the prestige of Pericles.

Cleisthenes left the country voluntarily ; but this did not prevent an armed intervention by Cleomenes during which 700 families connected with the Alcmaeonids (36) were expelled by the archon Isagoras as polluted (37). We have here the second expulsion of the Alcmaeonids (38). Again the remains of their dead were cast over the frontier. In the attempt to maintain the ancient forms we find that even the special court of the 300 jurymen, selected according to noble descent and wealth, was revived. The 300 friends of Isagoras who assisted him in his political decisions (39) clearly refer to this. The attempt of the 300 to supplant the republican *boule* led, however, to a rebellion by the people, and Cleomenes and Isagoras were compelled to capitulate. During their retreat they occupied Eleusis and in consequence the Athenians decided to proscribe them (40). Usteri (41) assumed that in this case it was not a question of outlawry, but merely of banishment combined with a formal sentence of death which was imposed in consequence of high treason. But it may be noted that our authority, a scholiast on Aristophanes, who probably had made direct or indirect use of an Atthis, considers these events as an attempt to establish a *tyrannis*. The action of Cleomenes and Isagoras in occupying the stronghold of, and dismantling the Acropolis was in accordance with the common rules of a *coup d'état*, and the laws against overthrowing the constitution could have been invoked.

In spite of these stern measures, however, Cleisthenes did not adopt the methods of his opponent, Isagoras. He outlawed only his enemies and not their families. What was the reason for this moderation? Why did Cleisthenes break with the solidarity of the family even in those cases where this factor might have been of use in strengthening his personal position? Carcopino (42) is of the opinion that Cleisthenes was one of 'those harmonious spirits who conduct immense revolutions with the timidity of the reactionary.' He reminds us that Isagoras had been successful in expelling Cleisthenes from the city by reviving the old curse against his family. We believe that the psychological reason, which impelled the Alcmaeonid to adopt his revolutionary measures towards the family, is to be found in his desire once and for all to destroy the danger of proscription which continually threatened his house.

Out of this spiritual and mental attitude was born the device of ostracism which was introduced by this great Athenian, and imitated by several other Greek cities. This was a wonderful instrument in the service of political order and security during the golden age of Athens, and it is necessary to consider it briefly (43). Regularly in the middle of the year, during the 6th prytany, the question was laid before the people, in accordance with statute law, whether proceedings for ostracism should be undertaken (44). If the majority was in favour of this measure the voting would take place during the 8th prytany (45). The citizen, whose name was inscribed on the majority of the ostraca being not less than 6,000, which were used for this poll, was thereupon expelled for 10 years. He had to settle his affairs within 10 days, and then take up residence beyond the promontory of Geraestus in Euboea. He continued, however, to enjoy his civic rights and even retained his property.

The laws directed against tyrants had been subject to continual changes during the century after Cylon; but whether the attempt at protection was by means of outlawry or by means of legal proceedings, the conviction had gained ground in Athens that these measures necessarily came always too late. Thus, with Cleisthenes we find a new element, in that the

ostracism did not apply to the guilty, but in a certain sense to the innocent also. It was impossible to prove measures preparatory to treason in such cases, but the conduct of these citizens had aroused the suspicion of the people of Athens. They thus felt the need for some means to safeguard the community. The method of ostracism represented an important reinforcement of the laws designed to protect the state. At the same time, however, it was a guarantee for leading politicians. Both the very high quota of 6,000 votes and the important preliminary question put to the people, whether it wished to arrange proceedings for ostracism during the year in question, tended to prevent an over-hasty judgment, or a decision taken by the people when roused to passion. The continual dread, on the part of the masses, of the establishment of a tyranny was in that way regulated, and, at the same time, all dictatorial ambitions were nipped in the bud. For one century this wonderfully balanced institution safeguarded, indeed made possible, the golden age of Athens. Carcopino (46) rightly remarks : 'During the first phase of its history the method of ostracism put a stop to the enterprises of the tyrants and their supporters; during the second period it acted as a check to the ambitions of the demagogues.'

Carcopino then raises the question why this institution was permitted to fall in disuse, why this effective method of protection was relinquished. The answer, perhaps, might be that a heightened sense of justice in Athens no longer tolerated injustice being done to the innocent with full knowledge of his innocence. More important is the fact that the tactics of the political parties in Athens had undergone a change, and that their leaders were no longer loyal to the rules which had constituted their society (47). Since the beginning of the Peloponnesian War *hetaeriae*, secret political societies, had again come into existence, whose aim, as a rule, no longer was to establish the power of an oligarchic class, but rather of individual leaders. A new period of tyrants and later of kings began to dawn.

A resort to ostracism was powerless against this hydra. By it only one of the many heads which all aspired to tyranny could be destroyed (48). It thus becomes intelligible how,

as a result of the experience gained during the first successful oligarchic *coup d'état* of B.C. 411, the changing circumstances led to the adoption of a new device designed to protect the democracy against similar dangers. This was the citizens' oath which, according to a popular resolution introduced by Demophantus in B.C. 410, every Athenian had to take when registered in the roll of citizens. There existed already an oath for the members of the *boule* from the late sixth century onwards (49). Many authors report details from it, and an inscriptional revision of B.C. 410 has also come to light. It contained a formula which probably was earlier than the Peloponnesian War and runs as follows: 'I shall not imprison any Athenian who produces three guarantors—unless someone is caught on a charge of high treason against the city, or of overthrowing the constitution.'

All adult Athenians, and not only the members of the *boule* would have to swear in future: 'I will kill with word and deed and ballot and, if I have the power, with my own hand, anyone who endeavours to overthrow the democratic constitution in Athens, and anyone who occupies an office when the democracy has already been overthrown, or anyone who aims to establish himself as tyrant or to help to establish a tyrant. And if someone else kills, I will regard him as holy before the gods of heaven and earth, as a man who has killed an enemy of the Athenians, and, after the property of him who was killed has been sold in its entirety, I shall give him who killed half of it without keeping back anything. But if, when killing one of these, or in attempting to do so, he loses his life, then I will do benefit to him and even to his children as in the case of Harmodius and Aristogeiton and their descendants.' This oath which has come down to us in a speech by Andocides (50) served to confirm the personal outlawry of all those who might attempt to overthrow the democracy or assist in such an undertaking.

Certain parts of a third oath, that of the Athenian *heliaea*, the all powerful people's court, which is referred to by Demosthenes (51) and is to be dated either in the same period as the citizens' oath or in the early fourth century B.C., should also be taken into consideration: 'I will not vote for the

establishment of a tyrant or an oligarchy. I will not obey, if anyone overthrows the democratic constitution of the Athenians or speaks or votes against it. Nor will I agree to the cancelling of the private debts or to the division of the land of the Athenians or their house property. Nor will I recall those condemned to exile or to death, nor will I sentence to exile illegally citizens in residence.'

The wording of these oaths is significant. It shows, as in the case of the institution of ostracism, features in the organisation of the Greek *polis* which are absent from the modern liberal state which has imitated the Greek example in other aspects. Three cases are clearly distinguished in the citizens' oath :

1. Overthrow of the existing democracy.
2. The exercise of magisterial power after the overthrow of the democracy.
3. Attempt to establish oneself as a tyrant, or rendering assistance in such an attempt.

We meet here the same expressions (*κατάλυσις τοῦ δήμου* and *τυραννεῖν ἐπαναστῇ ἢ τὸν τύραννον συγκαταστήσει*, that Aristotle (52) employed in order to characterise the oldest laws against tyrants. The first formula also occurs in the two other oaths, and only sanction 2 is an innovation in the two later ones. Both in its wording and in its contents it is connected with sanction 3. We have, perhaps, here not only a reminder of the oligarchic revolution of B.C. 411, but also of earlier oaths and of the Pisistratid practice of putting members of their own party or family in charge of the offices. Thus, if one considers the matter correctly, Demophantus in B.C. 410 seems merely to have revived and remodelled earlier regulations, though closing possible loopholes in the law and modifying them in one important aspect. The offender alone was threatened with punishment, while his family remained exempt.

Another change lay in the same line of development. The Solonic regulations for *eisangelia* (53) against anyone who conspired to overthrow the government had been reformed by Cleisthenes who allowed direct accusations to take place

before *boule* and *demos*. The Areopagus lost its right under Ephialtes and Pericles. Illegal societies had been included in this law either before or shortly after the end of the Peloponnesian War. A revised νόμος εἰσαγγελτικὸς (54) of the late 5th or the 4th century B.C. gave the right to any citizen to denounce to the assembly of the people anyone who seemed to attempt the overthrow of the democracy, or who joined others with this object in view or who founded an illegal society.. Punishment ranged from a fine to sentence of death. This law was not only directed against those desirous of accomplishing a *coup d'état*. It was directed also against any demagogue who allowed himself to be bribed into giving to the people advice, which he himself did not regard as the best.

We gain here an impression of the adaptability with which the laws existing in Athens for the protection of the state were accommodated to changing circumstances. In addition we can establish, as a fundamental tendency of this development, the progressive dissolution of family solidarity and the growing leniency of the punishment. Apart from the mass expulsions of the 6th century B.C., the number of exiles during the golden age of Athens was small. It was apparently regarded as important not to deprive the state of its citizens by the expulsion of less important adherents of a party.

C. *The Athenian Empire.*

Other states, following the example given by Athens or influenced by it, excluded the families of exiles similarly from punishment and preserved even parts of their possessions in their home towns until they might return again (55). But proscription and punishment were not used in Athens as a political punishment for offences against the city only. We must not forget that Athens was the leading power of a great confederation of *poleis*. For two generations it ruled over an Empire as a champion of Hellas in its struggle against the hereditary foe, Persia.

Therefore, in addition to treason-felony in Athens, we have also to consider high treason, especially against the Athenian Empire. We are in the years immediately before

the downfall of the Spartan regent Pausanias (56). Athens was engaged in war with Persia, and was striking at the very foundations of Persian power in the Aegean by organizing and expanding the Delian League. What countermeasures did the enemy adopt? He attempted to strike in Greece itself with the help of Pausanias, Themistocles and their friends in many *poleis*. Persian diplomats spun their web, and Persian gold came into play.

Arthmius of Zeleia in the Propontis, *proxenos* of Athens in his native city, which most likely had already become a member of the Delian confederacy, placed himself at the disposal of the enemy of his country and travelled to the Peloponnese in order to arouse people against Athens, especially in Sparta (57). The Persian gold did not completely achieve its object; but the well known conspiracy of Pausanias and Themistocles was dangerous enough. The Athenians were, therefore, obliged to impose on Arthmius the most severe form of punishment possible, outlawry of the culprit and his whole family. Their decree, proposed by Cimon and published on a stele of shame like that against the tyrants, was obviously an attempt to intimidate the other members of the confederation. Arthmius, a citizen of a confederate town, as we believe, was now outlawed together with his family from the entire territory of the Delian League. It is important to note in this case the old fashioned form of outlawry proposed by an aristocratic opponent of the Alcmaeonids, and the extension of the territory within which the outlaw and his clan could be killed with impunity. The ban now included the whole of the Athenian sphere of influence. It was an attempt to awaken a Panhellenic spirit amongst the members of the Confederation, to stigmatise any political action directed against Athens and its hegemony as treachery against Hellas, and thus in effect to put Athens on a level with Greece. Sparta after the Peloponnesian War (58), Alexander the Great (59), and Philippus Arrhidæus (60) tried later a similar policy for important cases of banishment. They certainly knew of, and possibly followed, the precedent of the Arthmius episode.

This case has been compared with that of certain Peloponnesian ambassadors to the Great King in B.C. 430. These

men had started an agitation against Athens in Thrace when on their way to Susa. The Athenians thereupon persuaded Sitalces, the king of the Thracians, to deliver them up; they were subsequently killed in Athens. Glotz and Usteri (61) are reluctant to agree with Swoboda in believing that outlawry took place. Glotz considers the punishment of the ambassadors as a reprisal, because the Lacedaemonians had previously put Athenian merchants to death. Nevertheless, it remains quite possible in our opinion that the ambassadors were punished as outlaws because they intended to arrange an alliance between Greek states and the Persian king, and the Athenians now did what circumstances had prevented them doing to Arthmius. Outlawry had been put into action and consequently a decision by the people was superfluous. He who attempted to persuade the hereditary Persian enemy to take action against Greeks was a traitor and could be exterminated like a dangerous animal.

Two cases of banishment, which concern the most celebrated of Athenians, Themistocles and Alcibiades, are also instructive. Of these two cases that of the son of Cleinias is perfectly clear. Alcibiades, summoned to answer for his alleged participation in the mutilation of the Hermæ and the profanation of the mysteries, escaped from his Athenian guard in Thurii. In consequence of his offence he was sentenced to death in his absence, subjected to a curse and his property confiscated (62). He proceeded to Argos where he had important connections. The Athenians were now embittered by the fact that they were unable to execute the sentence passed on him, and therefore outlawed him by a psephism of the *demos*, as appears from Isocrates (63).

The phrase 'from the whole of Hellas' (ἐξ ἀπάσης τῆς Ἑλλάδος) which this author uses to define the extent of the ban covers the Athenian confederation only, as has been correctly surmised (62). This confirms our interpretation of the Arthmius episode, according to which, in the first maritime confederation, Athens was entitled to pronounce sentences of outlawry that were valid for the territory of the whole league. In the case of Alcibiades the Athenians even demanded that Argos should surrender him although this town was only

an ally, and not a member of the confederation. Alcibiades proceeded to Sparta, and there started an agitation against his native city. As in the case of Arthmius outlawry was pronounced in the absence of the condemned person.

The case of Themistocles appears to be similar, although at times the opinion prevailed that he was outlawed from Attica only (64). But the relevant passage in Thucydides (65) is quite definite. According to him, Themistocles was condemned to death by the Athenians for treason (*ἐπὶ προδοσίᾳ*) like many other famous exiles from Athens and other Greek cities (66). His condemnation involved the confiscation of his possessions, the prohibition of his burial within his homeland, and a subsequent prosecution of those friends who had smuggled some of his money out of the country. The two cases of Themistocles and Alcibiades were like each other in the desire of the Athenians, and in the former case also of the Spartans, to obtain possession of the criminal at any price. Thucydides's vivid picture of the flight of Themistocles through the Greek world illustrates this point with great emphasis. Finally, the political suicide of Themistocles, his decision to flee to the Persian king, must have been due to the fact that no Greek state could dare to resist the combined demand of Sparta and Athens for extradition. Only with the hereditary enemy could the outlaw find safety.

We now come to those cases of banishment in which it was not the home country but a foreign power which enforced the exile. It may be surprising that even here we can take our examples from Athens ; for at first sight it may appear to be contrary to the democratic spirit of this city to force its laws upon the cities of its Empire ; but imperialist aims can disregard a democratic constitution. To safeguard and secure her hegemony, Athens made a deliberate attempt to control the political jurisdiction in the confederate cities. This meant that, under cover of the retention of a 'free' constitution, an ally's policy had to be decided according to Athenian orders.

In this connection, a decree of the Athenian *demos* for Erythrae in Ionia deserves detailed attention. This elucidating text was found in Athens near the Erechtheum, and regulates the constitution of a confederate *polis*. Its probable, but in

no way certain, date is c. B.C. 460. The inscription is now lost with the exception of small fragments, and only a very faulty copy of the missing parts exists which requires careful emendation to be understood. This task has now been ably performed by Highby (67), who has proved that the inscription was written in lines of equal length and letter below letter (*στοιχηδόν*), and has to be restored accordingly. We shall not deal with the organisation of the Erythraean *boule*; but will confine ourselves entirely to the oath of the Erythraean *bouleutae* (lines 20-28) and the subsequent provisions about murder and treason (lines 28-38). They supplement or explain those Aitic regulations with which we are already acquainted. The decree clearly represents the intermediate stage between the period when the entire family was considered responsible, and the later regulations for outlawry which we found in the psephism of Demophantus.

Thus it is stipulated as follows: 'I will perform my duty as councillor as well and justly as I can unto the people of the Erythraeans and that of the Athenians and the allies, and will not rebel against the people of the Athenians nor the allies of the Athenians, neither will I do this myself nor will I follow another's lead therein; and neither will I of my own accord desert to the enemy nor will I be persuaded thereto by another. Furthermore, I will not bring back, without (the consent of) the *boule* of the Athenians and the *demos*, anyone of those who fled to the Persians nor will I, without (the consent of) the *boule* and *demos* of the Athenians, drive away any of those who remain in Erythrae.

If an Erythraean kills another Erythraean, let him die, if he is condemned (to death). If however he is sentenced to be banished, let him be banished from the entire territory of the Athenian confederacy, and let his possessions become the public property of the Erythraeans. If any one is detected who tries to betray the city of the Erythraeans to the tyrants, let him be put to death with impunity (i.e. 'outlawed') both him and his children, unless his children are proved to be well disposed and friendly towards the *demoi* of the Erythraeans and the Athenians. Let the children give up all their father's property, and then take half of it for themselves (if loyal),

and let the rest be confiscated as public property. In the same manner, let him be punished who is caught in the betrayal of the Athenian *demos*, or of the garrison posted at Erythrae.'

This decree is interesting to us for two reasons. In the first place, the welfare of the Athenians and their allies is expressly stated to be equally important to that of the home city. Secondly, we find references to those who have fled to the Persian king in contrast to those who have remained. In the city there had existed a faction which had been friendly to Persia. When they thought that their cause was lost, some members of this group fled, while others, who had not compromised themselves so openly, remained in the city. In connection with this second group and other political offenders, it is now stated that the Erythraean *boule* was not to retain the right to decide on their banishment, but that this decision was to be reserved for the Athenians, who had the legal power, together with the Erythraeans, to banish an Erythraean from the entire territory of the Delian league. The question at issue in lines 25-31 is that of banishment, and outlawry is provided for in lines 31-37.

Together with this psephism we are to deal with another much discussed Athenian decree, that in connection with Chalcis of B.C. 446/5. There are several passages which are of importance to us (68). In the first place the oath of lines 4-10 which the Athenian *bouleutae* and jurymen had to take in connection with Chalcis: 'I will not expel any Chalcidian from Chalcis, and I will not lay waste the city, and I will not deprive any individual of his civic rights or punish him with banishment or prison or death or confiscate his property; nobody being tried without (the consent of) the *demos* of the Athenians.'

Here we must differentiate between the assurances given the Chalcidians as a community and those given the individual citizens of Chalcis. Lines 4-6 refer to the community as a whole. The Athenian councillors and jurors swear that they will not expel the Chalcidians from Chalcis and will not lay waste the city unless the sovereign *demos* of Athens decreed a change of policy. Athens guaranteed the existence of the subjugated town and its citizens. She did not wish to treat

them according to the deserts of war by destroying the city and expelling the citizens, as often was done in antiquity from Sybaris and Melos to Carthage and Corinth.

We must, however, distinguish, from the earlier provisions, the concessions of lines 6-10 which Athens granted to protect the individual Chalcidians from the whim of the Athenian councillors (69) and jurors. The Chalcidians were entitled to the full benefit of the laws unless the Athenian *demos* had passed a psephism against them, condemning them either to the loss of civic rights, exile, prison, death or confiscation of fortunes (*ἀτιμία, φυγή, σύλληψις, θάνατος, χρημάτων ἀφαίρεσις*). It was accordingly determined that Athens should have special jurisdiction in cases where more severe penalties were involved, and it seems probable that these cases were mainly political offences.

This view is supported by supplementary regulations contained in a clause of lines 71-76 at the end of the inscription, which limited the scope of Chalcidic jurisdiction (70): 'The Chalcidians are to have power of jurisdiction amongst themselves in Chalcis, as the Athenians have in Athens, except that of imposing banishment, death and loss of civic rights. In such cases an appeal to Athens for confirmation must be made to the *heliaea* of the *thesmothetae* according to the decree of the *demos*.' It is true that Usteri (71) who made a detailed study of this passage cannot be contradicted in maintaining that it is not here, as in line 6, a case of political lawsuits. He assumed that the regulations of lines 71-76 were influenced by the general policy of Athens which aimed at transforming the allies into subjects dependent upon Attic jurisdiction. In spite of this, the *ratio legis* cannot be found in this development. There appears a justifiable desire on the part of Athens to have pro-Athenian elements in control of Chalcis, and to prevent at the outset Athenian influence in Chalcis diminishing through legal proceedings. Let us assume for a moment that the regulations of lines 71-76 had been omitted. In that case the enemies of Athens in Chalcis would have had a free hand to eliminate Athenian partisans by means of criminal accusations. The appeal to the Athenian court prevented any such scheme, and the clause of lines 71-76

would be understood to correspond with that of lines 6-10 which subjected the Chalcidians to the supreme jurisdiction of Athens.

The last loophole was closed by an oath that all young Chalcidians were obliged to swear on pain of loss of their civic rights when they were admitted as citizens (72). This provision makes it likely that there existed in Athens a citizens' oath before the decree of Demophantus which we discussed earlier. All ambitions that confederates of Athens may have felt towards independence were thus destroyed. Practically nothing remained of the political sovereignty and independence of Chalcis in forming its external relations, and its right of self-determination in its internal policy. It is, therefore, not surprising that the slogan of the Spartans during the Peloponnesian War 'liberation of the small cities from the yoke of Athens,' met with such widespread approval in the Athenian Empire.

Athens learnt valuable lessons for the future from her defeat. Certain stipulations of a treaty between Athens and Clazomenae from B.C. 387/6 (73), which represents the beginning of a reconstruction of the Athenian maritime league, show a marked contrast with the Athenian treaties of the 5th century B.C.: 'The Athenian *demos* is not entitled to recall exiles without the consent of the *demos* of Clazomenae nor to banish anyone of those living within the city.' The legal situation here is the reverse of that in Erythrae a century earlier. While the Erythraeans were not allowed, without the consent of the Athenians, to repatriate exiles or to banish their citizens, the Athenian *demos* now expressly disclaims the right to interfere with the autonomy of the confederate city. It is hardly possible to think of any other two documents that demonstrate so clearly the difference between the first and second Athenian maritime leagues.

A more general decree of the Athenian *demos* shows similar features. This was the so-called Magna Charta of the second Athenian confederacy of B.C. 378/7, the year of Nausinicus (74). We find the following regulations in lines 51 f. of this text: 'If anyone, whether archon or common citizen, should speak or introduce a decree against this psephism

that any of the provisions in this psephism should be annulled, he shall be deprived of his civic rights and his property shall be confiscated and one tenth shall belong to Athena. And he shall be tried before Athenians and allies on a charge of overthrowing the confederacy. They are to punish him with death or banishment from the whole domain of the Athenians and the allies. And if he is condemned to death, he shall not be buried in Attica or in the territory of the allies.'

Atimia combined with confiscation of property means here a loss of civic rights which operated *ipso iure*. Judicial proceedings were not necessary for this purpose. These regulations are a survival but represent, at the same time, a mitigation of the old process of outlawry discussed earlier (75). In addition, legal measures were provided to set up a court consisting of Athenians in Athens entitled to pass sentences of death or banishment. To become valid these sentences had to be confirmed by the members of the *synhedrium* of the confederate cities. A burial of condemned persons in Attic or confederate soil was refused, punishment was made more severe, and banishment expressly included the territory of the confederate cities. The participation of the confederates in these measures characterised a new spirit which, certainly in the beginning, was observed in the second Athenian league. The attempt was made here to establish a relationship of mutual confidence between Athens and its allies.

The application of these principles in practice is also to be found in an Attic psephism at Iulis in Ceos (76). The question at issue was the punishment of rebels at Ceos by the Athenians, and they decided that 'They are to be banished from Ceos and Athens and their possessions are to belong to the *demos* of Iulis.' Usteri (77) was correct in pointing out the fact that Athens in this case could not banish political criminals from the entire territory of the confederacy without the consent of the other allies. She could therefore merely pass sentence of banishment from Athens and Ceos, the constitution of which she regulated anew after its defection. Lines 58 f. of the same inscription are also of interest: 'I will not bear a grudge against any Cean for past events, and I

will not kill or banish any Cean who abides by these oaths and agreements.' Here Athens and its allies guaranteed not to execute or banish the individual Ceans, provided they abided by the oaths and treaties entered upon (78).

It is also possible to conclude from this that, on the other hand, the Athenians and their confederates were in a legal position to impose the punishments of death and banishment on those who broke these oaths and treaties. It is not necessary, however, to assume, as Usteri does, that a mixed court existed composed of Athenians and allies.

There appears in a number of Athenian decrees of the same period another and more destructive development. These decrees have one thing in common. They are all concerned with individual foreigners who had furthered the interests of Athens in their homeland and were now to be rewarded by the Athenian *demos*. In two of the three cases with which we are acquainted those concerned were also granted Athenian civic rights. Such regulations are known to us for the Thasians, Archippus and Hipparchus (between B.C. 390/89 and 387/6), for Charidemus, the leader of Athenian mercenary troops and son-in-law of the Thracian prince Cersobleptes (B.C. 353/2), and finally for the Delian Peisitheides (B.C. 346/5).

The protective clauses for Archippus and Hipparchus were as follows (79): 'And if anyone kills Archippus or Hipparchus, the brother of Archippus, he is to be banished from the city of the Athenians and from the other cities, which are allied with the Athenians'; for Charidemus (80): 'If anyone kills Charidemus, his extradition is to be demanded from the whole territory of the confederacy, and if any city or private person harbours him, he is to be outlawed'; for Peisitheides (81): 'If anyone kills Peisitheides, he shall be an enemy of the *demos* of the Athenians, he and the city which gives refuge to the murderer.'

The most remarkable feature of these fairly similar provisions was the intensification of the sanctions threatened. In every case it exceeded the customary formula of the honorary decrees from Classical Athens, according to which the murder of a certain foreigner, who had been honoured by the *polis*, had to be punished like that of an Athenian throughout the

whole Athenian Empire (82). We gain the impression that words cost nothing. The possible murderer of the brothers Archippus and Hipparchus would need to fear only banishment. This was actually the customary punishment for the murder of Athenians in Athens (83); but the extension of the ban to the whole Athenian confederacy and the omission of the customary fines for murder of Athenians and honoured foreigners in allied territory outside of Attica meant a more severe regulation.

The prospective murderer of Charidemus was to be apprehended wherever possible (*ἀγώγιμος*), and handed over to the authorities for immediate execution. Full outlawry was decreed for the murderer of Peisitheides. We do not believe that the Athenians wished to protect Peisitheides, their Delian *proxenos*, more effectively than the Thasians, Archippus and Hipparchus, or Charidemus, who was of greater political importance than all the others. The difference in the regulations can, we think, only be explained by the growing fear on the part of the Athenians, that their protective decrees might be ineffective. The increasing severity of the threatened punishment indicates a loss of self-confidence as well as a decline in the power of Athens. This explanation agrees well with that given by Swoboda (84) who regards the outlawry threatened for the murderers of Charidemus and Peisitheides as evidence for a decline or rather corruption in the application of this punishment, which he compares with the increased use of the *eisangelia* in the fourth century B.C.

The series of exclusions from the community and its political spheres of influence with which we have concerned ourselves, the laws directed against tyranny in their various forms, the laws directed against treasonable offences of Athenians or confederates, and finally the protective decrees, comprise in substance all those political offences which could lead to banishment by a Greek state. In addition there existed non-political offences (e.g. *τραῦμα ἐκ προνοίας*, *ἀσέβεια*, *ιεροσυλία* and *παρὰ νόμων*) which could quite easily be exploited by political opponents. Good examples are the process of the Alcmaeonids, and the impeachment of the philosopher Anaxagoras, the friend of Pericles, for sacrilege (85).

On the whole, however, we can say that outlawry in Athens during the 5th century B.C. was a punishment as rare as it was extraordinary. A decision by the popular assembly was necessary for such a sentence. Furthermore, as far as we are able to ascertain, this method of punishment was applied only in cases where the offenders could no longer be arrested, as they had found safety abroad. During the same period banishment took the form of honourable removal of an ostracised person. As in the case of outlawry, this punishment was agreed to by the citizens only if the people were really convinced of the need to take this step.

D. Decline and Fall of the Classical Greek State.

The first exception from this rule was the ostracism of Hyperbolus at the instigation of Alcibiades in B.C. 418 or 417. The leaders of the opposing factions successfully joined hands to banish the man who had suggested the ostracism. The result was that Cleisthenes's provisions became too risky for a politician to attempt in the future (86). At the end of the Peloponnesian War this well-nigh perfect form was broken. The decline and fall of Athens was accompanied by a growing uncertainty in internal conditions, and the ideas of the sophists were somewhat destructive. In particular their conception of a superman who would no longer be bound by any responsibilities towards the *polis* had a bad influence on political education. After the oligarchic revolution of B.C. 411/10 outlawry had to be reintroduced as a normal means of punishment with the psephism of Demophantus which we discussed earlier. Alcibiades, the first superman of this period, both to his own undoing and that of Athens, had already been punished in this manner though this was an exceptional measure at the time.

During this period banishment of large groups of Hellenic citizens even by a foreign power became customary. It was employed first of all by the Lacedaemonians against the Messenians in B.C. 455 (87). We are acquainted (88) with the cases of the tyrants of Sinope and their partisans, of the citizens of Histiaea and of the wealthy upper class of Chalcis who were expelled by Pericles (89), of the inhabitants of

Aegina, Potidaea and of the oligarchic party of Mytilene after their cities had been taken by the Athenians (90), of the voluntary flight and banishment of the Athenian partisans in Amphipolis under compulsion by Brasidas in B.C. 423 (91), of the banishment of Samians about B.C. 412/1, and of the whole citizenship of this democratic *polis* by Lysander in B.C. 404 (92), and of the democratic refugees from Athens at the time of the Thirty on Sparta's orders (93). During the first decades of the fourth century B.C. we have the cases of the banishment of the Spartan colony at Heraclea in Trachis by the Boeotians and Argives in B.C. 395 (94), of Thasians under Sparta's orders in c. B.C. 385, of the Plataeans by the Boeotarchs in B.C. 374 or 373/2 (95), of the rebellious Iulietae of Ceos by the Athenians in B.C. 363/2 (96), of the enemies of Maussolus of Caria in Mylasa and Iasus, nominally by the citizens of this town, but actually by the king himself (before B.C. 351) (97). The growing Macedonian Empire used similar methods. We mention the exile of Philon and Stratocles of Amphipolis by their own city on the instigation of Philip II. (B.C. 357/6) (98), of the pro-Athenian party in Amphissa, after Philip II. had conquered this town in B.C. 338 (99), of the democrats of Pellene under Alexander's influence in B.C. 336, of the Chian partisans of the Persians, of tyrants from Eresus, and of Charidemus from Athens, by or under the influence of Alexander the Great during the Persian campaign (100), partly from the whole of the territory of the Corinthian League.

During the 4th century B.C. we hear little of outlawry and banishment in Athens itself; but the practice was very widespread in the rest of Greece. A bitter struggle took place between two classes, the poor and the wealthy, under the slogans of democracy and oligarchy (101). Party passions knew no limits and the leading citizens sought the support of Athens, Sparta, or other strong powers, wherever they could. This can be seen from protective legislation by Athens in favour of the Iulietae and Clazomenians (102), from the decrees for Athenian *proxeni* in Thasos and Delos which we discussed earlier, and finally from the well known disorders in Delphi during the 4th century B.C. (103). Banishment no

longer had a political or religious motive. It served merely as a means to take possession of the opponent's property.

This mania for greater riches on the part of the wealthy, and the craving of the poor for a higher standard of living, led to the downfall of Greece within two generations. The rich were ruined as a result of banishment. The distribution of surplus taxation in the form of theatre money, allowances for judicial services and service in the general assembly, failed to improve the conditions of the poor. Trade and industry fell into stagnation ; continuous wars and internal disturbances had their effect ; while the beginnings of a limited capitalism with its commercial connections with other nations and its system of slave holdings undermined the agrarian economy of Greece. Thus the 4th century B.C. in Greece was one of greatest distress. Despair gripped the masses and led to the evolution of a new form of government, the concentration of power in the hands of a single person and the merging of individual cities into great states. A new type of tyrant arose who used the temple-treasures for secular purposes and foreshadowed the Hellenistic monarchs.

This continual state of disorder and revolution finds its clearest expression in the institution of the mercenary soldier (104), the man who had lost his land and living and who now sold himself to the highest bidder without concern as to the objects for which he was to be used. In the list of mercenary leaders who fought against Persia under Cyrus the Younger we find Clearchus, a refugee from Sparta (105), and Aristippus of Thessaly who left his country because of the predominance of his political enemies (106). During the 5th century B.C. outlawry and banishment had been punishments directed only against single individuals who had risen above the level of the masses, and the average citizens had no cause to fear them ; but the practice of expulsion during the 4th century B.C. was concerned with groups. To illustrate this state of affairs it will be useful to consider two personalities whose fates were to a certain extent characteristic of these times.

The case of Andocides (107) is well known to us from his speeches, the two most important of which deal with his own affairs. Andocides, scion of a noble family of Athens,

was implicated in the mutilation of the *Hermae*; he had acted as informer to save his own life and that of his adherents. But though informers could not be punished, he was still involved in the outrage committed against the gods, and a psephism moved by a certain Isotimides, one of his former associates, punished all those who were guilty of sacrilege with the loss of civic rights and exclusion from the temples. The position, therefore, of Andocides became untenable and he had to leave Athens for abroad. Although he was not nominally banished, he had lost so large a part of his fortune in the affair of the *Hermae*, that he was obliged to recover what he could. This meant withdrawing from public life in Athens, and seeking a livelihood abroad. He succeeded in establishing very good connections with kings, cities and private individuals, especially in Cyprus (108). His purpose was to become sufficiently rich and influential to be able to perform such services for Athens that he would be allowed to return again to his native city as a citizen among citizens (109).

He sent over to the Athenian fleet at Samos most important war materials which he sold at cost price. Relying on the assistance he had thus rendered Athens, he made an attempt to return to the city as early as B.C. 411. But there in the meantime the oligarchs had seized power without winning over the democratic fleet at Samos. As soon, therefore, as his arrival became known, he was arrested and brought before the council, where Pisander, one of the oligarchic leaders, accused him of having supplied grain and wood for oars to the enemies of the oligarchs. He was only able to escape death by taking refuge at an altar, though he was subjected to a long period of imprisonment and bad treatment (110). He saw no other way out of all the difficulties than by leaving the city after the defeat of the oligarchs.

His next attempt was made about B.C. 407, in the period of his speech *Περὶ τῆς ἑαυτοῦ καθόδου*. He now tried to persuade the Athenians to revoke the psephism of Isotimides, and so to make it possible for him again to take his place as an equal amongst them. But, in spite of the fact that, in the meantime, he had performed further important services in connection with the supply of oar-spars and grain to the city,

and had placed information of great importance before a secret session of the council, the old distrust and hatred prevailed, and Andocides was compelled to resume his wandering existence.

It needed a sequence of three catastrophes, the fall of Athens in the Peloponnesian War, the rule of the Thirty Tyrants, and the democratic revolution against them, to induce the people to promulgate a generous decree of amnesty which enabled Andocides with many other political exiles to return to his native country. At last he had achieved the aim for which he had striven all these years, and he began once more to play his part in politics as a wealthy and influential person. But the old prejudice against him still dogged him. Old psephisms, nullified by the amnesty, were revived. The clique of his former oligarchic friends did not relent, and after many lawsuits he was again forced into exile about B.C. 392/1. This happened because he had been a member of a peace delegation despatched to Sparta. Contrary to instructions the delegates had accepted terms which the people refused to ratify, especially some which relinquished the Greek cities of Asia Minor to the Persians (111).

What is noticeable in this turbulent life is the longing to be again an Athenian citizen in Athens. It was solely with this end in view that Andocides embarked on dangerous and doubtful adventures. He had committed his unfortunate offence in his youth, and, to save the lives of his father, his relatives and of himself, had been compelled to act as informer against his associates. The result was that he had made for himself irreconcilable enemies without gaining any friends among his former political opponents. A traitor never has been and never will be popular; for no one trusts him. In vain this energetic and ambitious man spent his whole life in the attempt to shroud in oblivion the crime of his youth, and to gain admittance once more to his community and society. He expresses his decision to live away from Athens finely (112): 'I realised that it would be best if I lived in a place where I should be least noticed by you.'

His exile was voluntary, but all the same it was inevitable. One may maintain that Andocides cannot be regarded as a

political refugee between the years B.C. 411 and 403, because no sentence had been passed on him. Indeed, if the situation is considered entirely from the legal standpoint, that may seem correct ; but the unwritten laws of Athenian society had expelled him and in spite of his nominal indemnity he was as much, and perhaps even more, an exile than those who had been compelled to leave the country as a result of legal proceedings or of a psephism. Even when he had returned to Athens, and began to undertake liturgies and to serve as a member of the council, in fact even when he was elected to various offices, one has the feeling that he knew well that he was only a stranger in the city, an exile on leave.

We can contrast the life and fate of Andocides with the career of a certain Leocrates (113) who was also not a political refugee in the legal sense. We know of this case from Lycurgus's famous speech against him. The battle of Chaeronea against Philip II of Macedonia was lost. Consternation prevailed in Athens. The *demos* had to resort to the extreme measure of mobilising the whole people including foreigners and slaves in order to protect the city against Philip's threatened attack. The citizens were prepared to defend their native city to the last man (114) ; but there were exceptions. Leocrates, a wealthy manufacturer, regarded Athens as already conquered by the Macedonians. His motto was *sauve qui peut*. Instead of placing himself at the disposal of the state, he escaped secretly by night from the Piraeus. A waiting boat conveyed him to a ship which was cruising by arrangement in the vicinity to take him on board (115). He sailed to Rhodes, where he represented his fearful forebodings as facts, and by means of these reports damaged the credit of the city in every respect (116). Later he went to Megara where he lived as a resident alien for five years. He was successful in the grain trade and felt so much at home in Megara that he even had his household gods sent from Athens (117). At last, eight years after Chaeronea, he returned to his old home in the belief that his flight in the hour of danger had been forgotten ; but he had not reckoned with Lycurgus who accused him of treason and demanded the death penalty (118).

From the legal standpoint Lycurgus had no case. He admitted himself that there were no legal provisions in existence which had a bearing on the charge (119). He urged that this was due entirely to the fact that such a shameful deed had not been foreseen in earlier times, when it was not regarded as possible. In violation of the rule of law *nulla poena sine lege*, which was valid in Athens as later in Rome, he assigned to the jurors the task of fixing a punishment to fit the crime.

Why did Lycurgus consider Leocrates as worthy of death? He had forsaken the entire city and had robbed the dead of the religious rites to which they were entitled according to ancestral custom (120). Finally a city reaches the height of misfortune if she depopulates herself (121). Consequently, to forsake the city at a moment when she had need of every single citizen was treason, whether a law dealing with such cases was in existence or not. Lycurgus considered Leocrates as a traitor and his flight to be equivalent to self-exile, a self-inflicted exclusion from the community which he had betrayed. A high conception of right and wrong and deep religious feeling inspired this Athenian of the old school, and but for one vote his view would have prevailed (122).

The struggle between Lycurgus and Leocrates was the struggle of two philosophies of life, of two centuries of Greek thought. Lycurgus represented the old political ideal which taught attachment to the spot containing the graves of the ancestors, and stressed the bonds linking men to the community which had trained and protected their citizens. Not in vain had Lycurgus been a student of Plato and Isocrates. Leocrates, on the other hand, was not a political refugee in the full sense of the word because he had never interested himself in politics. He was a business man exclusively. He enjoyed life as much as possible and did not neglect to take his mistress and his money with him when he fled (123). He had no great desire to return to Athens, and was perfectly happy in Megara throughout the years. Finally, he had not realised the implications of his conduct. He was an average Athenian individual of but little importance. One citizen more or less could lead neither to the city's deliverance nor downfall. That was the substance of his defence (124).

What a difference between Andocides and Leocrates ! The former lived with the one object in view of gaining readmittance to the community which had tacitly expelled him. The latter hardly realised the existence of a city-state. And yet, of all Hellenic refugees, Leocrates is of a very modern type, the clever man who leaves in time. In no way can he be regarded as a true political refugee. He is the citizen who severs the bond between himself and the community to safeguard his own existence, and does so without scruple in the hope of rejoining it at a convenient time, just as if nothing had happened, and according to his own interests. Leocrates was quite certainly not an outstanding individual. There were many like him in Athens ; but his case illustrates well the psychological effect of the sophists and of the senseless wars of the 4th century B.C. on the average man. Individualism, conceived for exceptional persons, had obtained a hold on the masses, so that the ordinary citizen considered himself free to act towards the state and the community as his own interests dictated. It is noteworthy that Leocrates was acquitted, even though by only one vote. Eight years after Chaeronea half the Athenians approved of this abandonment of the city state ! Lycurgus knew this when he published his speech. His appeal was not delivered in the form handed down to us with the elegy of Tyrtaeus and the great fragment of Euripides. It was the swan song of the city-state, just as Leocrates already fits into the coming period of the Hellenistic monarchy when pleasure and power became the controlling factors in life. Leocrates was not a political refugee, he had forsaken the city state.

It is worthy of note that another striking deviation from the principle of complete unity of purpose of all citizens of a *polis* appears at about the same time in Athens (125). A citizen, a certain Polyeuctus, had gone with some money to Megara and had there had business dealings with Athenian refugees. He was subsequently accused in the same way as the friends of Themistocles who had brought property of this outlawed statesman out of the country more than a century ago ; but now, surprisingly enough, Polyeuctus was acquitted although he did not deny that he had given money to exiles.

He was successful in defending himself on the grounds that he had done so to help his relative, a certain exile, Nicophanes, who was in distress. Here again the city state gave way before the individualism of a new time.

Chaeronea was the grave of Greek freedom, but the forms of government in Greece remained externally the same. The hegemony of Athens and Sparta was superseded by the leadership of Macedonia. We find the League of the Hellenes (the *Κοινὸν τῶν Ἑλλήνων*) which we call the Corinthian League, in the place of the Athenian or Peloponnesian confederacies. Much of the wording of the act of alliance has been transmitted to us in a pseudo-Demosthenic speech and a few fragmentary inscriptions (126). The Corinthian League was to a certain extent the result of all previous experiences with federal constitutions, and its Magna Charta contained three paragraphs worth our notice. The essential difference from the provisions of previous leagues lay in the responsibility of the members of the confederation for their resident aliens (metics) and citizens alike (127). One provision runs: 'For the treaty lays down: It is forbidden that political refugees from one of the cities that have taken part in the general peace should make war upon a city that also shares in the peace; but if this nevertheless should happen, the city to which they belong shall be excluded from the federation.'

We find in this treaty for the first time a really fundamental and revolutionary innovation. It became almost impossible in the Corinthian League to overthrow a constitution from outside, as had often happened before. The Athenian revolution of Thrasybulus in B.C. 403 would have been impossible, had not Thebes harboured and supported the Athenian exiles, and, similarly, the Theban revolution of Pelopidas in B.C. 379 would have been unthinkable without a safe asylum for the Theban democrats in Athens (128). This prohibition alone would be sufficient, even in the absence of any other information, to convince us that under the cloak of a federation we really have to deal with a Macedonian hegemony.

A second provision prohibits radical changes in the constitution of the federal cities (129): 'If members of the League overthrow the constitution which they held at the time when they confirmed the peace by oath, they are to be enemies of (i.e. outlawed by) all participants in the peace.' A third clause of the treaty safeguards free commercial intercourse at sea (130): 'The participants in the peace are entitled to sail the seas and nobody is to interfere with them or to seize a ship of any one of them. If any one acts against this provision he is to be an enemy of (i.e. outlawed by) all participants in the peace.' Both regulations represent innovations in a federal constitution, and are a fresh and unusual limitation of the sovereign freedom and autonomy of the federal states.

The efforts of Philip were directed towards establishing the unity of Greece under his own leadership. He successfully stopped internal disturbances in the individual city-states and feuds between the Hellenic cities, and carried Greece, now his ally, into the war of revenge against Persia. The end of this development was the repatriation of all political exiles of Greece by Alexander the Great in B.C. 324 (131). This measure which only excluded a few political rebels like the Thebans (132), and the *ἐναγεῖς*, more closely defined by Diodorus as *ἱερόσυλοι* and *φονεῖς* (133), was intended to complete the reconciliation between Macedon and Greece. Everywhere the returned refugees strengthened the Macedonian parties in their own interest, and opposed anti-Macedonian moves. Such an amnesty decree undoubtedly exceeded the rights of Alexander as commander-in-chief of the Greek confederacy and proclaimed his monarchical powers over Greece as well as over Asia.

Although these events are the latest we shall discuss in detail, political refugees were by no means unknown in Greece after this time (134). But the importance of Greece continued to diminish during the 3rd and 2nd centuries B.C. The decline in population proceeded apace and the centre of Greek life was no longer to be found in Athens or Sparta, but in Alexandria, Seleucia, Antioch and later Pergamum (135). The Greek cities, and even the stronger confederacies like the Achaean

and Aetolian leagues, were merely pawns in the game of world politics, directed first by Alexander's successors and later by Rome. Exile, which had been the most terrible experience of Andocides's life, became less dreadful and a subject of philosophical speculation. The Hellenistic East offered chances which a *polis* environment could not boast. It is, therefore, not surprising that, from Teles to Seneca and Plutarch, the philosophic writers never tire of assuring us that the exile from one's native country must not be regarded as a disaster, as the cultured sage is at home everywhere in the world and the perfection of his ideals is independent of any historical event.

CHAPTER III

THE POLITICAL REFUGEE IN EXILE.

A. *The Institutions of Metoecia and Proxenia.*

The attitude of the states of antiquity towards the political refugee was only a part of their general policy towards strangers, and this again, remarkable as it may seem at first sight, was determined to a large extent by the companion problem of slavery. In fact, the relation in Classical antiquity between the freeman and the slave corresponds partly with the modern relation between citizen and foreigner. Antiquity knew no foreigners in the modern sense of the word. There were travellers and resident aliens, and various terms were used to denote their changing legal status (136). We must consider the second of these groups briefly, if we are to understand our problem aright (137). The old lexicographers explained 'metic' at times by 'an exile' (*φυγάς*), and at times paraphrased it by 'more than a stranger, but less than a citizen.' (138).

In this way they interpreted on the one hand quite correctly the origin of this class of the population as it appeared to them from Greek tragedy. Aeschylus in his *Suppliants* shows us, for example, how the Danaides were made metics by a psephism of the *demos* of Argos, perhaps not quite in the legal sense of the Classical period, and by employing old-fashioned proceedings (139). On the other hand, the ancient commentators attempted, by recognising that the metic was more than a stranger, but less than a citizen, to define the intermediate position of these inhabitants of the city during their own age. Wilamowitz (140) has coined for them the term quasi-citizen, and M. Clerc (141) *demi-citoyen*. In actual fact, however, modern society finds it impossible to find an analogy to this Greek social class in modern conditions; and the translations of modern scholars, praiseworthy though they may be, fail to grasp the complete meaning. It should be noted, in our opinion, that liberated slaves in Greece did not

become citizens as in Rome, but that their legal position was in all the main points identical with that of metics.

Only if we keep this fact in mind, shall we be able to judge correctly the position of the political refugees in the Greek states which afforded them protection and hospitality. In the earliest times a refugee had to use the *asylia* of temples and holy places when he had been able to flee from his own land to a foreign country. Otherwise, anyone could have killed or enslaved him. He had to wait until one or several citizens promised him protection and until the constitutional governing body had, on the protector's recommendation, given permission to stay and promised protection against persecution. Afterwards, certain religious ceremonies had to be performed to make the refugee an acknowledged permanent alien resident in the area. A famous legal inscription from Cyrene and an archaic inscription from Elis which gives the rights of a metic to an individual applicant, prove that the procedure which Aeschylus describes in his *Suppliants* was not a poetical invention, but existed actually in Archaic Greece (142).

Classical Athens had superseded such traditional proceedings by rational legal arrangements of a more modern type. The other Greek town of which our sources do not report much before Alexander's time will have acted similarly or even imitated Attic laws. As soon as a political refugee remained longer than 30 days in Attica he was no longer regarded as a traveller (*παρεπιδημῶν*), but had to report as a metic and be registered in the list. A legal protector had to be found for him, a formality which did not mean much in fact, but was an interesting survival of the archaic conditions described by Aeschylus (143). Contravention of this law was punished by the sale of the stranger as a slave to the advantage of the state (144). By such regulations the refugee had lost a great deal, but by no means everything. He had retained his personal liberty, and the state that had accepted him had no reason to deprive him of this, so long as he obeyed the laws which had been provided for such cases, and showed, in that way, that he wanted to be a useful member of the social order. Thus, though the political refugee had lost his rights

in his own country and had been outlawed from there, yet he was able to recover his rights, though in a diminished form, on crossing the border and becoming a metic. The position of the metics in Athens had both its responsibilities and privileges.

The metics contributed to taxation, especially by paying a kind of recognition for their special position, the *μετοίκιον* (145). In addition, it was customary for them to assume the *choregia* (146), and to contribute to the war- and peacetime taxes of the citizens. Furthermore, the metics performed military service in the army (147) and navy, and a large number of oarsmen in the Athenian navy were metics, as we learn from a speech of Nicias (148). They were generally enlisted for this purpose in times of emergency (149). In return, the *polis* granted the metics judicial protection in the courts of the city with the qualification that the responsible official in these cases had always to be the Polemarch (150). The intention of this regulation was that the entire control of aliens was to remain concentrated in the hands of one responsible person.

The metics as such did not possess the right to own houses or landed property (151), or to marry into Athenian families under the same laws of inheritance as were valid for citizens (152). They were not called up for military service with the Athenians nor did they pay the direct taxes at the same time as the Athenians nor could they accept any civic offices. Such rights (153) constituted privileges (154) which would raise the metic close to the status of citizen. They were only granted in exceptional circumstances, when a metic had performed valuable services for Athens. Under such circumstances even naturalisation was possible (155):

On the whole the position of the metics in Athens was one of security. They participated in the great festivals of the city, in the great Panathenaea (156), and they were far from being merely tolerated in the town. On the contrary, Athens was well aware of the fact that prosperity and the progress of the city were dependent upon this element of the population. They lived mainly in the Piraeus and the actual city, and comprised many, if not the majority, of the great shipowners

and captains as well as of the bankers, merchants, artists and artisans. They greatly helped to establish the commercial stability of Athens in Greece.

In these respects, the interests of a town and of the metics to whom it granted its hospitality were identical. On the other hand, as the institution of *metoecia* extended to larger numbers, there arose a grave danger to the political and social order of Greece. In any city parties opposed to the constitution and leaders of revolutionary movements knew that the risk they ran by plotting a change was limited. It was only necessary, if such a plot ended in failure, to reach the border, and it would be possible to lead a fairly satisfactory, though non-political, existence elsewhere. The oligarchs found their natural support in Sparta and the cities of the Peloponnesian League, and the democrats in Athens and the Athenian Confederacy. In that way each party was assured of a number of places of refuge, where they would be able to work towards their return and to prepare from outside for the revolution which they could not bring off by internal methods (157).

The Alcmaeonids of the sixth century B.C. and Pisis-tratus give early examples of this political technique (158) which is not at all alien to our own time. It is, therefore, significant that the Corinthian League of Philip II of Macedonia, as we have already mentioned (159), introduced a special regulation against this cause of political unrest. This made member *poleis* responsible for stopping exiles plotting to prepare revolutions, or to overthrow the government or constitution of allied towns. Any guilty town was to be outlawed (*ἐκσπονδος*). Before such provisions had been agreed on, the privileged treatment of political refugees on the part of individual cities in Greece formed a veritable menace to the constitutional stability of many city-states.

Another institution of Classical Greece, that of *proxenia* (160), offered even a stronger safeguard than the *metoecia* for the political underworld. In Homeric and Archaic Greece (161), as we already have seen, distinguished persons were chosen by individual refugees and travellers as their protectors. In Classical Greece their position was different. By virtue of a treaty, a foreign city-state could make a prominent person

official host in a city state of which he himself was a full citizen (162). The duties of such a *proxenos*, however, were not confined to affording hospitality and protection to travelling citizens or envoys of the foreign city, but were rather similar to those of modern diplomatic or consular representatives. The *proxenos* used to be the first to mediate in all conflicts between the two cities (163). It was he, as a rule, who asked that the envoys of the city which he represented should be admitted and heard by the council and assembly of the people (164). Above all he used the political influence, the wealth and the long standing connections which he possessed in his native town, to the advantage of the city whose interests he protected (165).

Thus a correspondence in the political ideology of the town represented and of its representative was almost essential, and we find, for example, amongst the *proxeni* of Sparta in Athens, the names of Miltiades, of his son Cimon, and of Alcibiades, whose personal sympathies as aristocrats were on the side of aristocratic Sparta, and who in many cases recommended a pro-Spartan policy (166). In contrast, the *proxeni* of Athens were the protagonists of democracy in their cities, and we are certain that Athens always attached particular importance to the political views of her representatives. It is not surprising that many of these were temporarily displaced under the oligarchic regime of the Thirty and superseded by anti-democrats (167).

In consequence of the advantages that were bound up with the position of an Athenian *proxenos*, such a position always seemed very desirable, and the Athenians were, therefore, in a position to pick and choose from a great number of candidates for these posts, the so-called *ἐθελοπρόξενοι* (168). It was not so much goodwill and earlier services to the *demos*, but rather definite political advantages which induced the Athenians to confer the *proxenia* on a particular person (169). The *proxenia* outside Athens, and especially of small powers, was occasionally given as an honour without duties in our period, a custom which became common during the Hellenistic age (170), just as in our own time small states give the title of consul to citizens of a foreign state without imposing any duties on them.

What, however, were the privileges of the *proxeni* in Athens? It is extremely difficult to reduce these to general terms, as they were differently determined and far-reaching in each individual case. The Athenians, however, always granted their *proxeni* the privileges of the metics without demanding their permanent residence in Athens. In fact it is possible to maintain (171) that the Athenians were much more generous to *proxeni* and other political friends in foreign states than to metics actually living in the city, and more ready to grant special privileges (172). This can be explained by the simple reason that the *proxeni*, though honoured by such privileges, could not usually make use of them. For as full citizens of their native town they continued to reside there; but their privileges became important, if the *proxenos* with his pro-Athenian policy had suffered shipwreck and was forced to seek refuge in Athens.

He was received in Athens with all the honour due to him and the privileges granted to him could be as far-reaching as those in the case of the Delian Peisitheides, for whose support the city had voted the sum of one drachma a day (173). Thus we see how the institution of *proxenia* could give politicians a kind of safeguard which assured them of a harbour of refuge, in case of need, to wait for better times (174). Legal provisions of our own age might be recalled which make all those who profess a friendly political ideology and are prepared to fight against the same enemies, citizens or quasi-citizens of a state.

B. *The Naturalization of Political Refugees and their Privileges in Exile.*

The institutions of *metoecia* and *proxenia* were the pillars on which the Greek policy towards aliens in Classical time was based. If we consider the development of these two institutions, we notice, especially in the case of Athens which as usual furnishes the most instructive examples, that they underwent a gradual, but fundamental change with the rise of the Athenian Empire. The *metoecia* became a necessity for Athens from the moment when the economic structure of Greece became dependent on coined money during the 7th and 6th centuries B.C., and the import of grain and the

export of finished products became fundamental to the city's life (175). In the beginning, the status of *metoëcia* merely represented the transition stage to rapid assimilation and naturalisation. The immigration policy of Solon, assured as Attica was of its autochthony and unity, aimed at the assimilation of immigrants of high social standing and of groups of trained artisans (176); but when Cleisthenes carried out his reform, he did not hesitate to grant citizenship to a large number of metics, if our authority, Aristotle, is reliable (177). In any case, this could be considered to be in accordance with Attic policy up to the Persian wars which revealed no clear tendency to either political or commercial imperialism. The *proxenia*, during the same period, served mainly religious and commercial purposes.

In this connection it is well to bear in mind that democratic Athens, as we know it, was really the creation of the Alcmaeonid Cleisthenes. This might have been the reason why we hear so little of political refugees from the early Attic *polis*. Those who can be classed under this heading, especially the Alcmaeonids, correspond to a type which was identical with men who were later ostracised or expelled as *πρώτοι ἄνδρες*, like Themistocles, Cimon and Alcibiades. Just as these men, in exile, did not become metics, but assumed a respected, if not leading, position wherever they went, so also the Alcmaeonids did not lose their political influence outside Athens. They even minted coins during their exile, and Pisistratus, Hippias and even Themistocles acted similarly in their refuges (178). They frequently possessed princely wealth, as in the cases of Cimon (179) and Alcibiades (180), while Themistocles was appointed to the position of a provincial ruler by the Persian king (181).

It was these leaders of Athens who had been *proxeni* or, in some cases, *euergetae* of a number of cities as a matter of course. We know that Themistocles had been *euergetes* of Corcyra (182), and that Cimon (183) and Alcibiades (184) were *proxeni* of Sparta. In the event of their fall they knew where they could obtain refuge, and where they would be well received in view of past services. It should be noted that in the case of Themistocles, Athens and Sparta had to combine

to demand his extradition from Corcyra ; and, nevertheless, the Corcyraeans only informed their guest that it would be impossible for him to remain with them any longer, and transported him safely to the mainland, from where he succeeded in reaching Persia.

With the formation of the first Athenian maritime league and the attempts by Athens to establish its hegemony over Greece, the conditions of her policy with regard to foreigners underwent a remarkable change. On the one hand naturalisation was made more difficult by the law of Pericles with regard to the disfranchisement of the sons of Athenian fathers from alien mothers (*νόθοι*) of B.C. 451 (185). In addition, a second law of approximately the same period forbade the naturalisation of persons who had not done signal services to Athens, and arranged proceedings for the disfranchisement of citizens who had been naturalised on false pretences. To strengthen this law, a clause was added to it in the fourth century B.C., which required, for any naturalisation, the assent of at least 5,000 Athenian citizens by a secret ballot in the assembly of the *demos* (186).

On the other hand, *metoecia* and *proxenia* were now intentionally placed in the service of the new imperialistic policy. The measures taken against members of confederate cities, e.g. Arthmius of Zeleia (187), demonstrate this clearly. But—and this indicates the success of this policy during the same period—the number of refugees received in Athens before the Peloponnesian War was negligible. We know only of Messenians who were settled by Athens in Naupactus in B.C. 456 (188). Immigration into Attica during this period did not, as a rule, consist of people who had been expelled from their possessions and were in search of a new home and asylum, but rather of well-to-do, in fact wealthy, merchants, manufacturers, writers, artists and scientists who were attracted by the immense possibilities of gain at the Piraeus and by the liberal, tolerant and broadminded culture of Athens. It seemed more pleasant to the father of Lysias, a wealthy merchant from Sicily, to live in Athens as a friend of Pericles and as a metic (189) than to be a citizen and councillor in his own island.

In giving value to such considerations we are dealing, of course, with *imponderabilia*, and it remains dangerous for the present-day investigator to deduce any general psychological assumptions from the few facts with which he is able to acquaint himself. When, however, it is pointed out by ancient as well as by modern historians that the period during which Pericles was *strategus* in Athens was the most prosperous and fortunate for Hellas (190), it is not surprising that during this epoch we hear least of political refugees. Whether this state of affairs can be attributed to the constitution of the Athenian Empire, the generally peaceful conditions of this period of political balance between Athens and Sparta, to social and economic reasons, e.g. the growth of trade in the Mediterranean world, or to the economic reconciliation between rich and poor brought about by the building and colonising policy of Athens, it came to an end with the outbreak of the Peloponnesian War. The change is easily discernible even in the sphere with which we are concerned.

The great war had hardly been in progress for three years when the Athenians had to grant rights of citizenship to the allied Plataeans who had made good their escape to Athens (191). A grant of civic rights on so large a scale was repeated only in one other case, that of the Samians in B.C. 405, who, alone amongst the allies of Athens, had remained loyal to a cause which was obviously lost and had held out to the bitter end (192). It is possible that many foreign seamen and soldiers as well as metics and slaves were enfranchised in Athens to strengthen navy and army a short time before the battle of Arginusae (193). Civic rights were also granted in B.C. 401/400, after a lengthy legal dispute as to the extent of the measure, to the Athenian metics who had volunteered for the small force of Thrasybulus up to his victory at Phyle. Metics who had joined after the battle received only *isoteleia* (194).

A decree of Hypereides, which enfranchised all metics to induce them to take up arms for Athens in the crisis after Chaeronea in B.C. 338, was passed by the assembly of the *demos*, but did not become effective, because the subsequent peace with Philip II without further fighting made this measure unnecessary (195); but Troezenians who had been exiled

under Philip's influence in the same year were made Athenian citizens just as Plataeans and Samians had been in an earlier period (196). The grant of citizenship to useful political assassins should also be noted as a characteristic of Athenian policy during the late 5th and the 4th centuries B.C., e.g., that to Thrasybulus of Calydon, the murderer of Phrynichus in B.C. 410, and to two bravos from Aenus who had murdered Cotys of Thrace in B.C. 360 (197).

Five minor cases of naturalisation in Athens are mentioned by Usteri (198) which all took place during the 5th and 4th centuries B.C. They concern only individuals or small groups of political refugees, and it is significant that the granting of civic rights (199) concerned only about twenty persons. Amongst them was Arybbas, king of Epirus (B.C. 343/2) (200), and two Acarnanians, Phormion and Carphinas (201), whose civic rights were merely confirmed and not newly bestowed. Only colonial regions, like Sicily, Southern Italy and Asia Minor, were less reluctant to bestow their citizenship on whole groups of refugees (202).

In addition, one gets the distinct impression that the generous naturalisation of the Plataeans gave rise to dissatisfaction in Athens. The case of Samos was not quite identical, because the inhabitants of this democratic stronghold intended and desired (203) to remain citizens of their own town, and by granting civic rights the Athenians intended more to mark the solemn nature of the bonds between the two states, than to provide for the Samians to live with them as a united community. Even in the case of the Plataeans, it should be remembered that they were settled at Scione by the Athenians after the capture of that city as early as B.C. 421 (204). The grant of civic rights was not meant to turn the Plataeans into Athenians with a view to their living in Athens for good. Rather it was a question of rewarding especially loyal and self-sacrificing allies by granting them temporary residence in Attica with all the advantages of full Athenian citizenship until such time as they were able to return to their own city. When, after the peace of Nicias, this appeared to be impossible, it was decided to compensate them and make them a land-apportionment in the new colony of Scione in Chal-

cidice. The reluctance of the Athenians of the 5th century B.C. to naturalise on a large scale, which we discussed earlier, is clearly shown by their arrangements they made for these refugees from Plataeae. Though the pill was sweetened, their admission to citizenship was to a certain extent revoked. They were again excluded from the Athenian community *de facto*, if not *de iure*.

On the whole we come to the conclusion that the position of political refugees in the Athens of the fourth century B.C. was only then provided for in the general assembly of the *demos* when the persons concerned had been especially helpful to Athens and when their banishment was the result of their pro-Athenian attitude. A marked unwillingness to naturalise remained (205). In addition, it can be observed that individual leading men received preferential treatment and were granted either civic rights (206) or privileges like *proxenia*, *euergesia* and exemption from taxation (207), while their followers only received partial tax-privileges or in some cases only exemption from the metic tax. A table compiled by Usteri (208) is, in this respect, particularly instructive. Direct financial support was a very rare privilege and is known to us in only one case, that of the Delian Peisitheides, who was granted one drachma a day (209). On the whole, the admission of refugees as metics was considered sufficient to assure them an existence.

It might be assumed from modern experience that political refugees absorbed in the metics ceased, after a brief period, to play a role of any importance as a group of common origin. This parallel with modern conditions, however, is belied by the facts. In the case of the political refugee of antiquity the hope and the desire to return to his native city was very much stronger than it is in the case of many modern, political refugees. The average Greek political refugee of the Classical period had no desire to become a citizen of the town that granted him hospitality. The consequence of this was a policy with regard to aliens which was practically uniform in the whole of Greece, and under which it was considered desirable rather to settle exiles as colonists than to naturalise them completely. In addition, this was, as a rule, in the interest of the special political intentions of this or that city.

Another important reason for this attitude was, in our opinion, religious. The Plataeans or other people in a similar situation desired to continue to honour their own gods, and to offer death offerings at the graves of their own ancestors. They had no wish to live anywhere else than in Plataeae, their native city. If this could not be fulfilled, they still preferred to venerate their old well-known gods for themselves even in a new country, rather than belong to an alien community in Athens with which they were united only by a fictitious bond. The Athenians, on the other hand, excluded naturalised citizens, as a rule, from taking part in the cults of the Attic clans, and from most priesthoods and the secular offices with religious connections, e.g. from those of the archons (210).

Usteri (211) has discussed most of the cases of the settlement of political exiles by Greek states. He records five different cases of colonisation for the periods under consideration, apart from those which we have already mentioned (212). He includes in his list the estate granted by the Spartans to Xenophon at Scillus in Triphylia (213). We might find in this gift an analogy with the financial support given Peisitheides by Athens and, in addition, with a much discussed Cretan inscription from the 3rd century B.C. where a similar case is recorded (214). A Cretan city, probably Cydonia, provides by this legal document for exiled *proxeni*, to whom she had given hospitality, by acquiring land for them. They were considered able to support themselves subsequently either by leasing it to tenants or by cultivating it.

C. *Persecution of Political Refugees in Exile.*

We have dealt thus far only with political refugees who were accorded a friendly reception by the states which harboured them, and who came as friends. On the other hand, examples of 'fifth column' activities by political refugees in their places of asylum also existed, and had to be provided for in an emergency, as we know from Aeneas Tacticus (215). But friendship between both parties was usually the rule, and for two reasons. In the first place, the asylum chosen by an exile would be one in which he believed himself to be secure

and not threatened by the danger of extradition. Secondly, it was a religious duty from pre-Homeric times onwards not to give up the suppliant to his pursuers and to earn his gratitude.

In proof of this we would like to refer to the following episode (216). After the capture of Sardes and the subjugation of Lydia by Cyrus, the departure of the Persian king was followed immediately by a revolt of the Lydians under Pactyes against Tabalus, the governor appointed by Cyrus. Cyrus thereupon despatched an army against the rebel leader. He fled to Cyme ; Lydia was again pacified and the commander of the new Persian troops demanded the surrender of Pactyes from the Cymaeans. These consulted the oracle of the Branchidae at Miletus, and asked for the god's advice in this matter. The answer of the oracle was that Pactyes should be delivered up, and they decided to do so, pleased that they had the decision of a god who allowed them to be 'realists,' as we moderns might say, and not to endanger the existence of their city for the sake of a Lydian.

But a man now arose among them who refused to associate himself with such a breach of international custom, and doubted the decision of the oracle. Aristodicus assumed that the envoys had misunderstood the god, and it was decided that the extradition of Pactyes should not be allowed until Aristodicus himself at the head of a new embassy had again consulted the god. The question addressed to the oracle was in this form : 'O Lord, there came to us, as a suppliant for protection, the Lydian Pactyes. He fled to avoid violent death at the hand of the Persians. These now demand his surrender and order the Cymaeans to deliver him up. We, however, although we fear the power of the Persians, could not bring ourselves to hand over the suppliant until your opinion on what we are to do has plainly been revealed to us.' The god thereupon returned the same answer as before.

Then Aristodicus deliberately acted as follows. Sparrows and other birds had made their nests in the walls of the temple. He drove them away by going round the building and, while he did this, a voice was reported to have been heard in the Holy of Holies which addressed Aristodicus and said :

‘Most impious of human beings, how dare you act in such a way ! You drive out from my temple those seeking refuge therein !’ Aristodicus, however, at no loss for an answer, replied : ‘O Lord, thou thyself dost thus assist those begging for thy protection : and yet thou dost bid the Cymaeans to deliver up their suppliant.’ The god however answered : ‘Indeed I do bid them to do so, so that in return for their crime they may the sooner be destroyed. In future, therefore, do not consult the oracle as to whether a suppliant should be delivered up.’

Thereupon the Cymaeans, who had no desire to be destroyed as a result of delivering up Pactyes, and, on the other hand, were unwilling to undergo a siege on his behalf, sent him to Mytilene. There the process was repeated. Mazares, the Persian commander, demanded the surrender of Pactyes. The people of Mytilene, with less scruples than the Cymaeans, were minded to comply in return for a certain reward. This came to the ears of the Cymaeans who rightly fearing that the god might in this manner assert that they had delivered up their suppliant in a roundabout way, sent a ship to Lesbos and had Pactyes taken to Chios. There he was forcibly dragged from the sanctuary of Athene Poliouchos, and delivered up by the inhabitants in return for the grant of the territory of Atarneus in Mysia. The inhabitants of Chios knew well enough that they had committed a crime, because they made no use of barley and grain from Atarneus in their offerings to the gods for a long time.

This story demonstrates clearly the conflict between religious sanctions and political force which must have taken place so often. It shows us the devices and expedients adopted in an attempt to settle this difficulty in a manner satisfactory to all parties. First of all the consultation of an oracle is tried, by which responsibility for the decision is placed on a god who by virtue of his supernatural authority is able to relieve the people of their responsibility. He also could be appealed to later, if an accusation should be made that an outrage had been committed against divine law. In this case when such tactics were defeated, in consequence of the intervention of Aristodicus, the removal of the refugee to a neutral

foreign country followed, and responsibility was then shifted to another state. Renewed intervention followed the threat to Pactyes in Mytilene; but then a remarkable change took place, and they washed their hands of him. It is most likely that the Cymaeans felt bound to secure for Pactyes the same degree of protection as he had enjoyed in Cyme and that they believed they had achieved that from the moment he entered the sanctuary of Athene. When the people of Chios dragged him out from the sanctuary and violated the right of asylum, they had committed a crime for which the Cymaeans could rightly think that they themselves could not be held responsible.

We are thus able to understand the attitude of the Corcyraeans and king Admetus towards the outlawed Themistocles (217). Here also political influence triumphed over religious and ethical scruples. In addition, the majority of the known cases of states which showed hostility towards political exiles (218) fits into this picture without any difficulty. The change in the attitude of individual states was, as a rule, caused by a change of policy, which was sometimes forced on them by circumstances against their will. Particularly instructive is the case of a certain Maeandrius (219), a private secretary of Polycrates, who was expelled from Samos. After the death of Polycrates he endeavoured to succeed his master. When he failed and the Persians established Syloson, a brother of Polycrates whom the tyrant had banished, Maeandrius made his way to Sparta. There he attempted to bribe the king Cleomenes to restore him to the throne with the aid of the Spartans. When this was communicated to the ephors he was expelled from Sparta. The principle at stake was in this case, as in the similar one of Alcibiades later, the right of a state to punish or expel a resident refugee for any offence or unfriendly action he had committed.

By way of contrast, the execution of a refugee tyrant, Thrasydaeus of Acragas (220), by the Nisaeon Megarians did not fall under such international principles. It seems that regular judicial action took place against Thrasydaeus and that he was put to death, not because he had behaved in a savage manner during his tyranny, but rather, because a

citizen of Nisaeon Megara had accused him of a capital crime. For had his former subjects desired to bring him to justice, they would most probably have demanded his surrender. Thus, if in this case a political refugee was executed in his chosen refuge, there will have existed grounds for prosecuting him there. He had probably forgotten this menace when he set foot on the territory of Megara.

CHAPTER IV

THE REPATRIATION OF POLITICAL REFUGEES.

A. *Amnesties in Greek City-States.*

The aim of most political refugees is to return one day to their native land, and to realise there the ideals they have in view. That is the solution and the end of all their problems and sacrifices. On the other hand, this entails a revolution in their state before it can readmit them, or at least a compromise in its policy. No wonder, therefore, that Draco's laws (221) already allowed anyone to kill any refugee at sight who returned illegally, and that neither Solon nor Cleisthenes nor the later democracy which renewed the laws of Solon and Draco after the defeat of the Thirty in B.C. 403 (222) abolished this primitive regulation. Nay, more, the prohibition against recalling political refugees was even included in the oath of the heliasts during the fourth century B.C. (223).

The problem of repatriation becomes further complicated because it is different in each individual case and is not entirely of a legal nature. It is not merely a question of enabling the exile to return to the same legal status as before his banishment or voluntary departure. Financial measures have also to be taken. The property of the refugees must be restored, or at least given back partly. Otherwise, the injustice done them would be only partly rectified, and they would remain an unsatisfied and dangerous element of the community. Thus, before we can attempt to come to general conclusions, we have to consider the various remedies that were tried for this problem in Greece and especially in Athens.

The first law concerning the repatriation of refugees is to be found in a Solonic enactment which has been handed down to us by Plutarch (224) and runs as follows: 'All those who have been outlawed, before Solon was elected archon, are to be restored to possession of their civic rights except those condemned by the Areopagus or those who were condemned by the *ephetæ* or the Prytaneum under the presidency

of the 'kings' (i.e. probably the king-archons, not so likely the king-archons and *phylobasileis*) on the charges of murder, manslaughter or an attempt to set up a tyranny. Such is the wording of the law.' Scholars in general regard this measure as an amnesty. We have previously referred to this passage and come to the conclusion that the Cylonids were condemned for attempting to set up a tyranny, and therefore did not come within its provisions. The Alcmaeonids most likely did, as the formal legal ground of the sentence passed against them was impiety and sacrilege, and not murder or manslaughter. In addition, they were condemned by a special court not mentioned in Solon's law.

If we wish to be clear about the meaning of this legislation, we must direct our attention to two things in particular. The law of Solon affected all *atimoi* (225), no matter on which legal grounds they came under the ban. No difference was made in the wording of this law, whether it covered people condemned for criminal or for political offences, whether the *atimia* was pronounced by a general assembly of the people or by the law courts and judges, or whether outlawry or loss of civic rights was involved. But, what is most noteworthy, the *atimoi* of Solon's law were a clearly defined and limited group, and the lawgiver did not state that offences which subsequently came to his knowledge would not be punished or regarded as not having taken place.

The exceptions from the amnesty were also very carefully set out both in regard to the crimes committed as well as by the courts which had to pass the sentence. The purpose (226) of the law was not to cancel every existing case of expatriation at one blow, and to effect in that way a general reconciliation. The aim was rather to win back all the really useful citizens of Athens, who for various reasons had been deprived of their civic rights, and to restore them to the community. Those persons were purposely to be excluded who might have endangered the moral or political security of the state. Solon's amnesty law was much more a social-political than a political measure.

At the same time, it marked an epoch and a precedent in Athenian history. We find that, just as Solon, during the turbulent times of his rule as archon, fell back upon the support of all citizens of good will, so also his law and its spirit were revived before the battle of Salamis in B.C. 480, when the very existence of Athens was at stake. The Athenian democracy of those days was so conservative that the main provisions, if not the very wording, of Solon's law were re-introduced (227): 'They decreed that the exiles should be recalled and the outlaws restored to their civic rights.'

The wording of Solon's enactment was here implemented by a new provision which at first sight seems to be superfluous, but was necessitated by new conditions. We must bear in mind that those ostracised were not *atimoi*, and yet were banished from the city. The first part of the law referred to this new class and can be easily explained. Themistocles, who organised the resistance against the Persians, moved this amnesty-decree, and, with its help, enabled his political opponents, Aristides and others, to participate in the struggle for the freedom of Athens and Greece (228).

In B.C. 405, after the battle of Aegospotami, the *demos* of Athens adopted a similar resolution on the motion of Patrocleides which, if one fails to consider it in relation to its context, as unfortunately has been done (229), might give a completely false picture of the situation (230). The question at issue at the crisis after Aegospotami was the reinstatement of the *atimoi* of Athens and especially of the insolvent state debtors in their ancient privileges and civic rights.

The real content of the psephism of B.C. 405, which has been summarised by Andocides in his speech concerning the mysteries, can be best understood from the explanations which the orator himself gives immediately before and after the summary. He says (231): 'For after the ships had been destroyed and the siege had begun, you took counsel about civic unity and decreed that civic rights should be restored to the *atimoi*.' Andocides continues: 'Who then were the *atimoi*?' And thereupon he gives a very detailed answer in the following paragraphs, from which it appears with complete certainty that political refugees were not concerned. Ando-

cides himself puts an end to any doubts that might remain by stating in § 80 (232): 'You restored civic rights to the *atimoi* by this psephism; but neither did Patrocleides suggest nor did you decree that the exiles should return.'

Thus far everything would be straightforward, were it not for the following overriding clauses included in the decree which had reference to political exiles and refugees (233): 'Except whatever names have been written on (bronze) stelae (of shame) or those upon whom sentence has been passed by the Areopagus or the *ephetae* or the Prytaneum or the Delphinium under the presidency of the 'kings'; that is to say, if a verdict of exile or death has been returned for murder, manslaughter or tyranny.'

The reader will immediately see that the second clause of exceptions was adopted literally from the Solonic law, perhaps through the medium of the decree of B.C. 480. On the other hand, the clause seems hardly in place here where the psephism dealt with *atimia* and not with exiles. Usteri (234) explained this peculiarity by stating that the provisions that excluded certain classes of persons (235) were literally adopted from the decree of B.C. 480 and that Patrocleides probably failed to realise that they were unsuitable for an amnesty confined to *atimoi*. This class of offenders had also been mentioned in the psephism of B.C. 480; but in the meantime, as we have already mentioned (236), the term had come to have a narrower significance, a change which Patrocleides and those who might have helped him to frame the law hastily in the final crisis of Athens had evidently overlooked. The Athenian attempt in B.C. 405 to reconcile certain groups of the population was not really an amnesty for exiles; but it was a characteristic of Athenian legislators that they followed the precedent of Solon, in spite of their intentions being otherwise.

The exiles, especially the oligarchs who had failed in the plot of B.C. 411, remained excluded. Only after the fall of Athens were they allowed to return, and their restoration was one of the conditions of the peace of B.C. 404 that the Spartans dictated to the Athenians (237). When the oligarchic elements had been restored to their earlier rights, they quickly overthrew

the democracy in Athens, and established instead an oligarchic regime which followed a pro-Spartan policy. Such had been Sparta's intentions in protecting the Athenian exiles at the peace treaty (238). The return of political refugees in this peace took a completely different and novel form (239). It was no longer the spontaneous will of a free people, which recalled the exiles through its sovereign power. It was rather a measure which was no longer in the interests of Athens, but was enforced by the enemy to his own advantage. No wonder that the element of compulsion which was behind it did not lead to a consolidation of political conditions. On the contrary, the returned exiles satisfied their desire for revenge (240), drove the democratic leaders and partisans into exile; and took possession again of their own confiscated property. It was in fact a revolution, and instead of concord being established, the seeds of discord were sown.

It was to a large extent these experiences which induced the Athenians to grant a modified amnesty after the victory of Thrasybulus in B.C. 403. It had to be confirmed for the future at the annual oath of the *bouleutae*, and again represented an innovation (241). This amnesty was an agreement between the two parties which had struggled with each other for power since B.C. 411. We find two provisions showing strong indications of a compromise. Peace was to be kept between the parties and individuals and each man had to return to his own affairs and possessions (242). In addition, the amnesty provided for a regular reconciliation and actually attempted to bring about moral disarmament (243): 'It is forbidden for anyone to rake up the past in court against anyone else, except the Thirty, the Ten, the Eleven and those in power in the Piraeus, and not against them, if they have been subjected to a public examination.'

Thus only the Thirty and their most intimate associates were excluded from this amnesty, and could be prosecuted for past misdoings. Even these could avail themselves of the amnesty, if they were prepared to give a satisfactory account of their actions during the crisis. A newly found papyrus fragment of a speech of Lysias tells us in addition how the pact of reconciliation regulated the restitution of the exiled

democrats in a spirit of true moderation. If confiscated property of returned citizens was found in the possession of condemned oligarchs, it was to be restored without compensation. If it had been sold to others, it remained the property of the new owner. On the other hand, the refugee had the right, up to a certain date, to buy back houses, landed property and perhaps other possessions from the new owners at a fair price. In such cases the approximate value seems to have been repaid to him by the state from the oligarchic funds whether he bought it back or not. Thrasybulus and Anytus, the leaders of the victorious party, went even farther in the interest of reconciliation. They did not claim their confiscated possessions at all, notwithstanding that they knew the new owners, because they did not want to stir up trouble by involving them in any proceedings which might follow.

We would like to point out that there is an attempt in this settlement, perhaps for the first time, to repair the material consequences of banishment, especially the loss of property by confiscation, by a voluntary party agreement. Usteri correctly emphasises the 'immense amount of good will, self-control and financial sacrifice that was necessary merely to satisfy all the conflicting material interests without injury to the adversary' (244).

Special juries were established in Athens with extraordinary powers, to decide between the state and the returned private individual who claimed his confiscated property. These were the *syndikoi* (245), of whose activities unfortunately we possess no information. The most essential thing, however, was to provide sufficient funds out of which compensation could be made for just claims of former refugees. Happily there existed the property of the Thirty Tyrants and their associates, who had enriched themselves enormously during the period of their despotism. A special authority, that of the *syllogeis* (246), was created, officials who were authorised by the people to make an inventory of the property of the oligarchs.

Apart from this treaty of reconciliation provision was made for those oligarchs who felt that they would not be able to adapt themselves to the new conditions, to emigrate with all

their possessions to Eleusis within a period of twenty days. Eleusis was to be an independent state for the future ; but any 'Eleusinian' could even take office in Athens when he had registered himself there, and by thus acknowledging democratic procedure had proved his conversion. We cannot but admire the wisdom of these provisions which reflect highly on the Spartan king, Pausanias, the mediator between the two parties. Glotz, in his history of Greece, remarks in this connection (247) : 'The Spartan who treated Athens with such magnanimity performed perhaps the greatest deed recorded in the annals of his country. He was rewarded for his pains by a charge brought before the *gerousia* by his colleague, the old king Agis, and but for one vote, it might have proved fatal to him.'

We are here concerned with the first amnesty in the Greek world that was as perfect in both form and content as could be. It achieved a new harmony amongst the people of Athens, torn by passion and hatred. Wherever it may be necessary to restore civic peace in a state after revolutions and counter-revolutions, this Greek example should be considered and imitated ! It is not without interest that, in the negotiations between the Spanish Republicans of Madrid and the Franco government, similar alternatives for emigration or trial in court were included in the treaty of surrender as a concession to the gallant Republicans.

The progress of the conciliatory spirit in Athens led finally, in B.C. 401, to a permanent union between the two party states of Eleusis and Athens, after the chief oligarchs had been eliminated (248). These oligarchical leaders had had too much to fear from an agreement and had, therefore, opposed it. The amnesty of B.C. 401 had not to be as extensive as the agreement of B.C. 403 ; for the few who had fled before the approaching union could now be safely excluded. 'It was forbidden to inform against, or to accuse, anyone on grounds of past performance, except the exiles (249).' A further difference from the treaty of B.C. 403 was to be found in the form of the amnesty. This time a psephism was preferred, and the treaty of B.C. 403 remained valid as the final authority. Athens had only been able to recover from her deep humilia-

tion, because the two party leaders, Thrasybulus and Archinus, had adhered conscientiously to both the letter and the spirit of the amnesty.

In the Greek world we find several close analogies to, and direct imitations of, the Athenian amnesties of B.C. 403 and 401. The democratic revolution in the Athens of B.C. 318 seems, under the influence of Alexander, the son of Polyperchon, to have similarly compensated the returned 12,000 citizens, who had been banished by Antigonos in B.C. 322, with the aid of confiscated oligarchic property (250). The tyrant Cleomis of Methymna recalled refugees in B.C. 364, and restored their possessions by buying them at his own expense from their new owners. The money required came in reality again from such of his enemies as had been killed or exiled (251). Aratus might also have imitated the regulations of B.C. 403 after the expulsion of the tyrant Nicocles from Sicyon in B.C. 251/50 ; but he and his fifteen Sicyonian mediators who were to settle the claims of the returned democratic exiles were in a happier position than Thrasybulus, because they were able to make use of 175 talents given them by Ptolemy II of Egypt and, perhaps, partly by Antigonos of Macedonia. Moreover they were able to draw upon the property of very wealthy political enemies (252).

The last amnesty known to us from free Athens was that of the year B.C. 338, when, as already mentioned, (253) Hypereides, the leader of the anti-Macedonian party, decreed the *levée en masse* after the defeat of Chaeronea : *ut servis libertas daretur, ut exules restituerentur* (254). The social system was fundamentally changed in order to strengthen the city's power of resistance. This was an *ultima ratio*, seldom used during the Classical period, but common enough after Alexander (255). The new type of measure was, however, not put to use, as Philip granted the Athenians very favourable terms of peace (256). The new conditions after Chaeronea, which Hypereides and Demosthenes had striven to prevent, descended on Greece and left Athens as an island of conservatism and a venerable remainder of a glorious past.

In addition to these general amnesties it will be useful to consider two further cases of restitution, which were con-

cerned with individuals only. The restitution of Alcibiades in B.C. 407 was effected by revoking the decree of outlawry passed against him. The motion was introduced by Critias, son of Callaeschrus. His property, which had been confiscated, was returned to him, and compensation was granted for the goods that had been sold (257).

The case of the return of the great historian Thucydides is more difficult to describe (258), because the evidence which we possess seems to be contradictory. The date of his return from exile according to Thucydides himself was twenty years after his *strategia* of Amphipolis (259), and Pausanias (260) attributes his return to a special decree proposed by a certain Oenobius. But Marcellinus, in his *Life*, allows Thucydides to return after the fall of Athens like all the other exiles (261). Professor Eduard Meyer (262) has attempted to give a plausible interpretation which would fit in with all these texts and eliminate their apparent contradictions. According to him, the decree of the people proposed by Oenobius took place before the fall of Athens and was connected with the amnesty of Patrocleides. Thucydides, however, only returned later, as for unknown reasons he failed to avail himself of the special edict that granted him restitution. Didymus, whom Marcellinus quotes as his authority, and who knew only that Thucydides had returned to Athens after B.C. 404, knew nothing of the decree of Oenobius, and thus came to his erroneous deduction.

When we attempt to draw conclusions from this, we find that in nature, extent and political purpose the Greek and especially the Athenian amnesty resolutions show very great variations. The reason for this was that the legal meaning of *atimia* (263), as we noted previously, underwent a fundamental change during the two and a half centuries from Solon to Demosthenes; it is thus impossible to deduce from the Athenian amnesties a general system. One essential difference is to be found undoubtedly in the authorities which decreed or ordered an amnesty. There is a clear distinction between the type of amnesty granted legally by a sovereign state, and the repatriation of exiles enforced by a foreign power. Between the two lies the type of amnesty agreed upon, on advice of

foreign mediators, by treaty between two parties or states which had struggled unsuccessfully for political ascendancy, or thought it wiser to compose their differences by compromise.

All the amnesty laws and decrees of the Athenian *demos*, which were proposed by Solon, Themistocles, Patrocleides, and Hypereides, attempted to arrive at only a very general solution. Our impression is that their proposers were concerned more with those whose rights as citizens had been curtailed as *atimoi* by decision of court or who had been ostracised, than with the political exiles as such, or with the real enemies of the democratic constitution. The Athenian amnesty treaty of B.C. 403, the subsequent imitations of it in many Greek states and Timoleon's amnesty in Sicily, all of which had been concluded as party compromises, had a different intention. Here, as in the first type of amnesty, it was necessary to include those persons who had been sentenced for criminal offences ; but the altered form of the provisions and the new conditions of restitution in these true amnesties leave no doubt that the aim was predominantly political.

Compared with these provisions, the repatriation of exiles by a foreign power is the exact opposite of an amnesty though it makes use of similar legal forms. Measures of this kind were common practice in the Athenian Empire of the 5th and 4th centuries B.C. (264), and were adopted against Athens in B.C. 404, as we have already seen (265). It is remarkable that this method of intervention in the internal affairs of an allied state was one of the popular methods of government also in Sparta.

We remember how she misused her hegemony, only newly secured by the King's peace of B.C. 387, to enforce an amnesty on Phlius. The exiles, after their restitution in B.C. 383 (266), were unable to agree with the citizens how much compensation they should be paid. Their appeal to Sparta induced the Lacedaemonians to armed intervention. They despatched an ultimatum which was rejected ; the city was besieged and captured in B.C. 379, and large groups of inhabitants were executed (267). Phlius became a Lacedaemonian outpost.

This example clearly shows the object of such undertakings. Provisions to reconcile political antagonists were used to undermine the stability of a state and to conceal the efforts of an external power to establish its rule. It is, therefore, not surprising that the Hellenistic rulers and governments used the same methods for getting footholds in Greek *poleis* of their Empires (268). A very instructive example is a famous *diagramma* of Ptolemy I. of Egypt which regulates the constitution of the conquered town of Cyrene in the last quarter of the fourth century B.C. The exiled partisans of the king were repatriated, and it was forbidden to institute legal proceedings against them without the king's consent.

Economic recompense was not provided for in the amnesties of the Solonic type, as they were more concerned with criminal than with political offences. On the other hand, the two remaining types of amnesty tried either to clear up the situation completely by reconciliation and compensation, or to overthrow the existing social order by giving the property of the defeated ruling class to the victors. What particularly interests us is the manner in which the restoration of property was effected. This gives us a very good insight into the economic and social conditions as they were established by such a change.

B. *The Amnesty of Alexander the Great.*

We fortunately possess the text of a royal letter (*ἐπιστολή*) of Alexander the Great, which the king, perhaps following Timoleon's example, instructed Nicanor, the Stagirite, the son-in-law of Aristotle, to make known in the assembly at the Olympian festival of B.C. 324 with all the public pomp due to an act of supreme political importance (269). Administrative details were arranged, at the same time, in a lost *diagramma* of Alexander which the king had sent to Antipater, his representative and governor in Europe. The terms of these enactments were that all Greek exiles with exception of the *ἐναγεῖς*, which term included not only criminals, but also the refugee citizens from the destroyed rebel town of Thebes (270), might be enabled to return to their homeland and to regain the possessions they had held before their banishment.

The experimental stage which preceded this revolutionary measure may be seen in a number of local amnesties under Macedonian hegemony, e.g. those granted in Thebes and Plataeae under Philip II. after Chaeronea, and in Arcadia, Chios, Elis, Ephesus, Troezen, Mytilene and other *poleis* on Alexander's orders or owing to his influence (271).

Diodorus (272) reports of Alexander's amnesty as follows : 'For a short time before his death Alexander decided to repatriate all exiles in Greek cities. He did this, both to increase his fame and because he wished to enlist, by his favours, many people in each city on his side in the event of revolutions and rebellions among the Greeks. Therefore, as the Olympic festival was at hand, he sent Nicanor of Stagira to Greece with a letter concerning the repatriation. He ordered it to be made known to the crowds at the festival assembly by the herald appointed to announce the names of the victors. Nicanor fulfilled his mission, and the herald received and proclaimed the letter aloud to this effect : "King Alexander to the refugees from Greek towns. We were not responsible for your exile, but we will be responsible for your return to your native countries, except in the case of those under a curse. We have written to Antipater bidding him compel unwilling cities to arrange for your return." When this announcement was made, the crowd broke out into loud applause ; for when those present in the assembly heard of the king's favour, they showed their appreciation of his bounty by acclamations to express their joy. All the exiles were assembled at the festival and numbered more than 20,000.'

This text clearly shows that Alexander was determined to put an end, once and for all, to the great problem of Greek political refugees. He did not hesitate to violate the autonomy guaranteed to the Greek states by the Corinthian League in order to achieve this aim. The king's proclamation is concise and consists of one strongly marked antithesis. The statement, 'we were not responsible for your exile, but we will be responsible for your return,' was formulated to make it plain that the king was the protector of these unfortunates who had gathered at Olympia on his orders. The king here overrides the sovereignty of the individual Greek states ; but he went

even further. He announced that his governor in Macedonia, Antipater, had been appointed as protector of the Greek exiles, and, if he met with resistance, would carry out the necessary measures by force of arms.

Diodorus adds also Alexander's reasons for the amnesty. He regards it as a sign of the king's thirst for glory. In addition, he hoped that if a turbulent and revolutionary element were established in the individual Greek states, his forces would be able to crush at the outset any attempt to revive anti-Macedonian policy. Alexander's amnesty, however, was not a complete success, and was not carried out everywhere in the spirit of his decrees. It was by dictation and not with the free assistance of their fellow-citizens that the exiles were allowed to return. Some states, e.g. Athens and the Aetolian League, created such difficulties that the final result was a dangerous revolt, the so-called Lamian War (273). Nevertheless, Alexander's action was a great step forward towards a well-conceived pacification of Greece. Many stateless exiles returned to the countries of their birth, and a serious social evil came to an end, or was at least considerably lessened. The Greek states were ruled during Alexander's time by parties favourable to the king. Many of the returned exiles were democrats and originally enemies of Philip II, and anything, therefore, but friends of the Macedonians. They would now, as a rule, have become satisfied with the new order.

This general restoration of exiles had to be followed by regional regulations throughout Greece. We now have the well-established text of an inscription found at Delphi in 1895 during excavations under the auspices of the French government. It was published by A. Plassart with a scholarly commentary in 1914, and contains a decree, issued by the town of Tegea in Arcadia in B.C. 324, that regulated the return of the local exiles (274). Apart from this inscription, remains of similar regulations or references to them have been preserved in a similar decree of the *demos* of Mytilene (275), in three honorary decrees of Samos (276), in a collection of *polis* decrees and royal letters from Eresus (277), and in an honorary decree of Calymna (278). These, however, are of less interest to us, as they give no information on really important parts

of the legal procedure. They mainly inform us that mixed commissions of exiles and resident citizens or arbitrators from foreign towns were appointed to settle disputes between those who had remained in the city and the returned exiles. The exiles were accepted and restored to their possessions on condition of good behaviour in future. Envoys were sent to Alexander when serious difficulties arose (279), and a citizens' assurance on oath gave new security to the exiles.

The psephism of Mytilene is typical. Here is the part preserved : I. 'And the kings (i.e. officials of the town) are to favour the returned exile on the ground that an earlier resident of the city has been guilty of fraud ; but if any of the returned exiles does not abide by these settlements, he is not to receive any real estate from the city and he is not to own any part of that which the earlier residents in the city may have given up to him, and the earlier residents of the city who surrendered these possessions are to own them again ; and the *strategi* are again to transfer these possessions to the earlier resident of the city, since the returned exile has not observed the agreement ; and the kings shall favour the earlier resident in the city on the ground that the returned exile has been guilty of fraud.'

II. 'Nor if any one enters an action about these matters are the *peridromi* or the *dicascopi* or other authorities to accept the suit. It is to be the concern of the *strategi* and the kings and the *peridromi* and the *dicascopi* and the other authorities, if anything takes place contrary to the provisions of this psephism. They are to condemn any one who disregards any of the provisions of this psephism, so that there may be no disagreement between the returned exiles and the earlier residents in the city, and all those reconciled shall treat each other without suspicion or plot, and are to abide by the king's (i.e. Alexander's) decision and the settlements of this psephism.'

III. 'The *demos* is to elect twenty men as arbitrators, ten from the returned exiles and ten from the earlier residents, and these are to watch diligently and to see that there is no disagreement between the returned exiles and the earlier residents of the city. They are to take action with regard to the disputed real estate in such a way that the returned exiles

shall be in concord, as far as they possibly can, both with the earlier residents of the city and amongst themselves. But if not, they are to be as just as possible in the settlements about which the king (Alexander) has given his decision, and all are to abide by the understanding arrived at and are to live in the city without fear, and live in amity with each other ; and after they have arranged, as much as possible, the movable goods too (or not so likely : the questions of money) in accordance with the settlements, about this and about the oath which the citizens are to swear, about all this, as far as they are able to reach agreement, the men appointed are to report to the *demos*, and the *demos* shall listen, and shall consider whether to take such measures as seem advantageous. And when the *demos* approves the measures agreed upon as advantageous, it may decree for those exiles who have returned up to the end of the prytany of Smithinas those measures that have been decreed for the rest.'

IV. 'And if there is anything wanting in this psephism, the decision about it shall rest with the *boule*.'

V. 'And when this decree has been ratified by the *demos*, the whole *demos* is to sacrifice and pray to the gods on the 20th of the month that the settlement between the returned exiles and the earlier residents of the city may have been brought about to the safety and welfare of all the citizens. All the priests on public duty and the priestesses are to open the temples, and the *demos* is to assemble for prayer. The sacrifices which the *demos* vowed, when they sent the envoys to the king (i.e. Alexander) are to be offered each year on the king's birthday. There shall be present at the sacrifice the twenty men and the envoys, from the earlier residents of the city and from the returned exiles.'

VI. 'And the treasurers are to provide for the inscription of this psephism on a *stele*. ' (280).

It is not surprising that very careful provisions were made in this decree to deal with any dispute, and that even the gods were invoked to preserve unity in the city in spite of the settlement. We are, perhaps, justified in thinking that the men who drew up this law were rather sceptical of its effects. There is a similar psephism of Tegea which is even

more noteworthy. It contains instructive details of the full procedure of repatriation with which we should not otherwise be familiar.

I. ‘ (After ?) king Alexander (has sent to us ?) his *diagramma* (referring to the return of the exiles), whatever provisions the city has added to doubtful points in the *diagramma*, are to be inscribed.’

I. ‘The returned exiles shall receive back their property on the male side which they possessed before they left the city, and the property on the female side, as far as (married and unmarried) women had the property before being given in marriage, and had no brothers during the time of their possession. And if it happens that a woman has been given in marriage, and her brother, both he and his line, should die out, then shall she retain the property on the female side, and it shall not pass to a distant relative.’

III. ‘With regard to house property, each (returned exile) is to possess one (house) in accordance with the *diagramma*. If a house has a garden belonging to it, he is not to take another for himself. If there is no garden belonging to the house, he is to take a garden, if there is one nearby up to a distance of one *plethron*. If there is a garden only a further distance away than one *plethron*, he is to take one half of it, as it is prescribed for other landed property. As compensation for houses (which the returned exile is not to take for himself) the returned exile is to charge two minas for each house. The valuation of the houses for the sales’ tax is to be as the city decides. The valuation for the gardens shall be double that made for the legal tax.

The city is to remit these (tax-payments of) money ; but is not to give quittance either to the returned exiles or to the former occupiers of the houses’ (or not so likely : ‘In money matters (or : In matters of movable goods) the city shall be free of responsibility and shall not settle them either for the returned exiles or the former occupiers of the houses’).

IV. ‘As to the religious festivals in which the returned exiles did not participate, the city is to consider it in the *boule*, and whatever the city decides, is to be valid.’

V. 'The tribunal of foreign arbitrators is to sit for sixty days. Those who fail to get a *diadikasia* during these sixty days are not to be allowed to apply to the tribunal of foreign arbitrators for property claims, but only to the civil tribunal. If they find an excuse for a later application (than the period of the foreign tribunal), they may apply within sixty days after the civil tribunal has begun to sit. If any one does not get a *diadikasia* even during this period, he may make no further application whatever. But if some should return later, after the session of the tribunal of foreign arbitrators has risen, they are to give a list of their (earlier) possessions to the *strategi* within sixty days, and if any defence is needed, the court for them is to be in Mantinea; but if they do not get a *diadikasia* during this period, they shall no longer be allowed to apply.'

VI. 'As to the temple money, both capital and interest, just as the city has put it on loan for the benefit of the goddess (i.e. Athena Alea of Tegea) whoever has such property is to give half of it to the returned exile, as all others do. As to those who are personal debtors of the goddess, with or without a pledge, if the owner of the property appears to have repaid his debt to the goddess, he is to give one half (of the property) to the returned exile, as all others do, without retaining anything; if he does not appear to have made repayment to the goddess, he is to give one half (of the property) to the returned exile; but is to repay the debt himself from his own half. If he does not want to repay, he is to give the whole property to the returned exile, and he who takes it is to repay the whole debt to the goddess.'

VII. 'All wives or daughters of exiles who remained at home and married, or who went into exile and later returned to marry in Tegea, and have paid for their discharge (from banishment) remaining at home, are not subject to any enquiry about property from the male or female side, neither they nor their descendants. Those (women) who went into exile subsequently without compulsion, and who return now at this time, either themselves or their children, are to be subject, in accordance with the *diagramma*, to the enquiry about property from the male or female side.'

VIII. 'I swear by Zeus, Athena, Apollo and Poseidon that I will be well disposed to the returned exiles whom the city decreed to admit, and I will not bear malice against any one (of them) for any counsel he may give after the day on which I have sworn the oath. And I shall not stand in the way of the welfare of the returned exiles whether in (the *boule*?) or in the assembly of the city against the returned exiles to the city, that is written in the *diagramma* and I will not make a decision against anyone of them in the *boule*' (281).

There is one qualifying note we must make at the outset. The psephisms from Mytilene and Tegea are not the original edict, Alexander's *diagramma*, as it was sent to Antipater together with the royal letter that was read at the Olympian festivals of B.C. 324 and which was promulgated at Alexander's command. We have here merely two of many supplementary decrees, which concerned individual towns and consisted of local amendments to settle controversial clauses in the original text. We do not possess the complete version of Alexander's *diagramma*, but merely local laws regulating various single points which arose subsequently. From this and other similar documents it is of course possible to make deductions so as to recover the main provisions of the royal decree.

We are able to conclude that Alexander had ordered the complete restitution to the repatriated refugees of one half of their original property, of all rights of business and inheritance and fair compensation for the remaining half, if restitution was inexpedient. Section 2 of the Tegean decree serves to define more clearly the kinds of property to which restitution was to apply. A difficult position arose when the person who had returned was the son or the daughter of a citizen who had died between the time of banishment and Alexander's amnesty. The inheritance was to be restored and to be taken from other relatives, if necessary; but the main difficulty in this case lay in the definition of what was to be understood by *τὰ πατρῷα*. Difficulties arose in the administration of Alexander's regulations, as to when a woman was to be considered entitled to inherit. Was she so entitled only in the case where her father had died without leaving male heirs,

or was she also to inherit in the case of the death of her brother and his issue? This point was now decided. In both cases her right to inherit was recognised, it being expressly stipulated that distant relatives were no longer to do so. Thus if we assume that A had died and his son B inherited the property, and B and all his descendants had perished too, C, A's daughter and B's sister, was to inherit and not A's brother.

Closely connected with this problem of the law of inheritance is the provision contained in section 7, which refers to the female relatives of an exile. We find here cases either of wives and daughters of exiles who had preferred to separate from the family community and paid a fixed sum to be excluded from the ban and to be allowed to stay in Tegea and to marry a resident citizen. Other fugitives had died or separated from their wives in exile, with the result that the wives or the daughters or their descendants had similarly returned. A third case arose for wives and daughters who had voluntarily shared exile with a family head who had died subsequently before the amnesty, when they returned after the amnesty had been promulgated to demand the restoration of their husband's or father's property. We must assume that according to the family law of Tegea in the 4th century B.C., exile *ipso facto* gave a right for a woman to dissolve her marriage, and for a daughter to renounce the *patria potestas*. The exempted relatives of exiles, in the same way as in the adjacent community of Elis and perhaps of Sparta (282) at the same period, were allowed to keep at least considerable parts, if not the whole, of the family fortune, especially when they showed their loyalty by marrying a citizen belonging to the victorious party (283). The unity of the family clan was here more completely destroyed than in the most daring reforms of Athens.

Section 7 attempts to establish the conditions under which the claims of these persons and their opponents were to be subjected to a preliminary enquiry as to their rights of ownership. The fact that Alexander's *diagramma* is mentioned in this connection indicates that males who returned home were also obliged to submit to such an enquiry. It appears that only female members of the family who did not follow

their husband or father into exile and remarried, or those who originally had accompanied the head of the family into exile, but later had returned and remarried, escaped coming under this measure. All other female relatives of exiles, whether they had remained in Tegea or left it, were subject to proceedings of enquiry. Such proceedings could end in the rejection of their claim in those cases where it was impossible for them, for one reason or another, to substantiate their rights. It is obvious that by this provision it became possible to make life very uncomfortable for unpopular exiles.

In contrast with these purely legal and formal regulations we find section 3 dealing with the actual restoration. Here it was no longer a question of abstract portions of inheritances, but of the houses and gardens in Tegea which had changed ownership. Every citizen, whether a returned exile or an earlier resident, was guaranteed a roof over his head by this psephism, as had been done by the similar provisions of Timoleon's famous amnesty in Sicily (256). Everyone was, if possible, to possess his own home. In this small Arcadian country town houses were probably not divided into separately owned tenements.

In cases where the previous owner had possessed several houses and was now taking up residence in one of them, whoever had acquired another of his confiscated houses was allowed to retain it without hindrance, provided that he bought it for 2 minas from the exile. With regard to landed property the general rule was that half was to be returned; but the gardens were treated as landed property unconnected with the house which the returned exile chose to take as his own residence, only if they were at a distance greater than one *plethron* (i.e. c. 30 m.) from the house. Thus in practice the domestic garden, whether immediately adjoining the house, or opposite, cut off by a street, was not separated from it. These gardens were restored in their entirety.

A regulation which would have been particularly instructive is missing in the preserved part of the Tegean psephism. The determination of the payments to be made for genuine landed property that remained in the hands of the earlier residents of the city is not dealt with, perhaps because Alex-

ander's *diagramma* contained a general regulation which had proved satisfactory. A remission of taxation by the city on the change of ownership had to be granted, as transfers of property were usually subject to such a tax.² The renunciation by an exile of a portion of his landed property, after payment of compensation to him, had to be regarded as amounting to a legal sale.

On grounds of equity the state took no profit from this transaction ; but, surprising as it might seem, the amount of taxation due had to be determined in each single case, and registered not by the sums actually paid, but by the estimated value of the houses or gardens. Plassart (284) quite plausibly assumes that express refusal of discharge to both parties is an indication that the city of Tegea desired to retain a political safeguard. For it could thus bring pressure to bear on rebellious elements who might assume a more loyal attitude, if they were threatened with having to complete the payments. We call to mind that section 1 of the decree of Mytilene similarly provided for material disadvantages of exiles who did not abide by the settlements.

For sixty days the decision in all lawsuits that might arise was reserved to a court of law composed of foreign arbitrators, and probably to a joint civic tribunal afterwards. Similar regulations occur in the psephisms of Mytilene and Calymna as well, which makes it probable that a provision for such courts was contained in Alexander's *diagramma*. The reason for tribunals of this kind was obvious. They prevented new feuds arising between the newly reconciled citizens, and foreign judges were more likely to be impartial in political processes. It is probable, if not certain, that Mantinea was asked to select and send the judges to Tegea.

The appointment of a court of law composed of foreigners was a frequent practice in Greece, and the various cases have often been collected and discussed (285), so that it is not necessary for us to consider them in greater detail. Whether Alexander expressly stipulated the town to which Tegea was to apply is not known to us ; but it is unlikely that he would have done so. No doubt, he established the general principle and left the individual states to carry it out ; the encroachment

on their sovereign rights was already very extensive. The number of the judges sent by Mantinea and the actual legal practice in Tegea are not known to us, but a decree of Calymna made to honour such judges (286) gives us at least an insight into the spirit in which they performed their duties. We learn from it that of 350 cases which came before the foreign judges, 340 were settled in such a way that the parties came to an agreement amongst themselves, and the action was withdrawn. In only ten cases did the action need a decision of the court.

The special question at issue in Tegea in this connection was the procedure of *diadikasia*, that is the specific granting of a right or an obligation to one of two parties making a claim. Definite periods of time were laid down during which the claims for restoration had to be made. The earliest day for making property claims was that on which the session of the foreign court of justice began ; the session lasted 60 days, twice the usual length of time. After the lapse of this period the foreign court ceased to exercise its authority, and claims for restoration of property had to be brought before a civic court, which ceased to function in normal cases after a further period of 60 days. This civic court was probably a joint court consisting of returned exiles and earlier residents of the city in equal numbers. In any case, returned exiles had already become eligible for this and all other civic courts.

Similarly, as in section 3 of the decree of Mytilene, a distinction had to be made between exiles who returned in time to apply to the foreign court, and those who arrived in Tegea only after the return of the foreign judges to Mantinea. For the late arrivals the period naturally commenced with the day of their return from exile and they had to make a written application for restoration to the *strategus* before that period closed. If however their legal successors in the city refused to return their property, they were allowed to appeal to foreign judges. The only difference was that the seat of the foreign court was now in Mantinea, and that they had to bear the costs of the journey. Sixty days after their arrival in Tegea all their claims became invalid, if notice to the authorities had not been given within that time.

There remain two clauses of the law for us to consider. Section 4, the first of them, contains a regulation for the religious obligations which the exile had neglected to perform during his period of banishment. In this matter the final decision was left with the city alone. Applications against religious penalties by returned exiles to a court or to Alexander were excluded. This was another of the many safeguards of the psephism against rebellious elements, but also, perhaps, at the same time a declaration against Alexander's disputed divinity (287).

The second clause, section 6, deals with the question of the restoration of such landed properties as the exile or his legal successor had mortgaged to the city goddess, Athena Alea. In this case a settlement was adopted which was more to the advantage of the goddess than of the citizens. For while the sale of property by auction or some similar change of ownership *ipso facto* invalidated a mortgage according to normal Greek procedure (288), in this case an exception was made. The claims of the temple treasury continued to hold good. In many cases, as everywhere in Greece (289), the city itself seems to have arranged loans of temple money to wealthy citizens who were well able to pay interest to the temple, and indirectly to the city, without endangering the capital.

Restoration of property which had been mortgaged to the goddess took place in the usual way, only when the debt had been repaid before the return of the exiles. The last owner of the property returned half of it to the exile who had held it before, and kept the rest. On the other hand, if the debt to the goddess had not been repaid, there were two ways of dealing with the matter. Either the legal successor of the exile declared his preparedness to take up the whole debt. In that case, he retained half of the property which, however, became burdened with the debt. Or the last owner could refuse to pay. In that case, he had to hand back the property in its entirety, and the returned exile was obliged to repay the goddess.

The *ratio legis* is to be found in the desire of the township to secure the money belonging to the goddess under all

circumstances, because it constituted an important financial reserve of the state in times of emergency. On the other hand, it was left to the legal successor of the exile to decide whether, in spite of the obligation to repaying the whole of the mortgage money, he was satisfied with retaining half the property only. In no case, however, was he to lose more than half. If, in addition to paying the purchase price, he would have been held responsible for the debt on the whole property and still was allowed to retain only half of it, he would in many cases have lost much more than fifty per cent. Therefore he was allowed to choose between such a settlement and renunciation of the property.

Finally, in section 8, at the end of this decree, we find the oath by which the citizens who had remained in Tegea pledged themselves to the returned exiles. The meaning of this oath is very clear. It is expressly stated that the oath has validity only from the day on which it is taken. Its implications are expressed in both a positive and a negative way. Those taking it agree to abstain from committing any injury or petty retaliation both in the public life of the city and as individuals. The preparation of a similar oath is mentioned in the psephism of Mytilene. Most likely, therefore, Alexander's *diagramma* prescribed that such an oath should be taken, but left its formulation to the individual cities.

The amnesty decree from Tegea has been purposely discussed in great detail in order to show the difficulties that had to be overcome in restoring the exiles. It was decided to give the returned exiles fifty per cent. of their landed property, and to compensate them for the rest at least to a certain extent. Nevertheless, this was a considerable improvement. A few years earlier at Mytilene in B.C. 333, only half of the property had been returned on the restoration of the pro-Persian exiles by the Satrap Pharnabazus (290).

Several exceptions from the general rule of compensation had to be made. Sometimes they were in favour of the residents of the town (e.g. mortgages owing to the goddess), sometimes in favour of the returned exiles (e.g. the provision with regard to houses and gardens). On the whole a serious effort was made, by legal means or by decree, to regulate all

details precisely, and to prevent litigation, as far as possible. When this failed, a further precaution was taken by the institution of neutral courts of law. But, and this is a fact that cannot be disregarded, the settlement of B.C. 324 was an amnesty imposed from without in contrast to the Athenian measures in B.C. 403 and 401. It did not serve the interests of Tegea, but had its origin in the desire of Alexander to establish peace and order in the Greek motherland after the conquest of the East, and to achieve a strong and close control of Greece.

It is significant that the decree of amnesty went hand in hand with Alexander's demand to be accorded divine honours by the Greeks. His death, however, in B.C. 323 brought all these efforts to a sudden end. A large number of Greek states, led by Athens, revolted against the Macedonian hegemony. One of the causes that led to this (291) was the desire to prevent the final execution of the *diagramma* in favour of the exiles, which most cities regarded as an intolerable encroachment on the autonomy granted to them by treaty. Alexander too had failed to solve the Greek refugee problem. Hellas remained the country of continual political and social unrest, and the reigns of Alexander's Diadochs merely aggravated the intensity and violence of party passions by their internecine strife. The *diagramma* of B.C. 319, by which Philippos Arrhidaeus, Alexander's successor, renewed and modified for the Greek motherland the 'general peace' of Philip II. as well as the refugee regulations of Alexander the Great, and recalled a new wave of exiles produced by the early Diadochs for the Empire of Alexander, contained again the reactionary formula of extreme punishment by expulsion and confiscation of possessions of the political enemy and his whole family (292).

It was the spread of the Roman power which once and for all put an end to the evil practice in Hellas of outlawing the political enemy. The 'freedom' which Flamininus gave to the Greeks meant the return of many political refugees under Roman influence (293). When the independence of the Greek *polis* states was finally brought to an end, the national evil, which had largely contributed to the decline and fall of Greece (294), also disappeared. One conclusion, however,

can be drawn from the attempt made by the great Macedonian king. Single states might have tried individual solutions for their own refugee problems ; but only a power which dominated all the states in Greece could bring about the repatriation of the whole body of exiles. The moment that fate destroyed this power by the unexpected death of Alexander, the step taken lost all significance.

EPILOGUE (295)

Up to now no modern analogies can be found to the successful Athenian amnesties of B.C. 403 and 401, Timoleon's 'new deal' amnesty in Sicily or to Alexander's amnesty for a whole civilized world. In the author's opinion we should here take a lesson from Hellenic statesmanship in the interests of a happy future for all mankind. The solution of the refugee problem in modern times was entrusted to the League of Nations and, after that body's decline, to an international committee established by the World Conference on Refugees held at Evian. But from the very beginning the real crux of the problem, the repatriation of the refugees, could not be faced because the political situation from Spain to Russia and China did not permit such a step. Instead, an attempt was made to find a solution by absorbing the daily increasing stream in sparsely populated countries and especially in the colonies of the great powers.

Meanwhile, in all countries the homeless had to struggle for existence. As political uncertainty increased and many states came to practice economic seclusion, the struggle became even more difficult. From year to year the general crisis assumed a more desperate and ruinous aspect. New forms of government were intolerant, and produced necessarily a problem that became daily more and more pronounced. It is today merely a symptom of that malaise of the 20th century that can be cured only by a general military, moral and economic pacification throughout the whole world, towards which all enlightened statesmen should strive with every means at their disposal.

For this reason, all attempts at finding a partial solution of the modern refugee problem are, in our opinion, doomed to failure. No solution can be found until an improvement in world conditions takes place in the political, social and economic spheres, so that we enjoy at least that standard of

safety which was our grandfathers' lot. As long as the conditions remain which compelled and will compel millions of human beings to leave their home countries, all hopes of solving the problem must be abandoned. We are able to alleviate the lot of the victims, we cannot change it for the majority.

This conclusion may appear hard and inhuman. But it is better to give the bitter, unvarnished truth to countless despairing people and, what is more important, to their friends than to arouse hopes that cannot be fulfilled without a fundamental change, however kind the intentions. The remedy is still the repatriation of the exiles as in the days of Greece. All other measures are insufficient. Genuine pioneers and certain elements with special qualifications will be absorbed by suitable countries, as was always possible. But the majority of refugees are and must be ruined without an agreed repatriation on fair terms, in spite of all the goodwill of those who assist them. A change for the better means, at the same time, a new and more civilized order of our world, and that is the only cause worth fighting, suffering and dying for during and after this war.

LIST OF ABBREVIATIONS

- B.C.H.: Bulletin de Correspondance Hellénique.
- Billheimer: Albert Billheimer, 'Amendments in Athenian Decrees.' American Journal of Archaeology 42 (1938), 457 f.
- Bonner-Smith: R. J. Bonner-G. Smith, 'The Administration of Justice from Homer to Aristotle' I. (1930); II. (1938).
- Busolt-Swoboda: G. Busolt-H. Swoboda, 'Griechische Staatskunde' I. (1920); II. (1926).
- C.A.H.: Cambridge Ancient History.
- Carcopino: J. Carcopino, 'L'ostracisme athénien'² (1935).
- Daubé: D. Daube, 'Zu den Rechtsproblemen in Aischylos Agamemnon' (1938).
- Diller: A. Diller, 'Race Mixture among the Greeks before Alexander.' Illinois Studies in Language and Literature XX. 1/2 (1937).
- F.H.G.: Fragmenta Historicorum Graecorum I-V. (ed. C. and Th. Mueller).
- Ferckel: F. Ferckel, 'Lysias und Athen.' (1937).
- Friedel: H. Friedel, 'Der Tyrannenmord in Gesetzgebung und Volksmeinung der Griechen.' Wuerzburger Studien zur Altertumswissenschaft II (1937).
- Gernet, Recherches: L. Gernet, 'Recherches sur le développement de la pensée juridique et morale en Grèce (1917).
- Glitz, Greek City: G. Glitz, 'The Greek City and Its Institutions' (1929).
- Glitz, Histoire: G. Glitz, 'Histoire Grecque' I-IV. 1 (1925-1938).
- Glitz, Solidarité: G. Glitz, 'La solidarité de la famille dans le droit criminel en Grèce' (1904).
- Hampl: F. Hampl, 'Die griechischen Staatsverträge des 4. Jahrhunderts v. Chr.' Preisschr. der Fuerstl. Jablonowskischen Gesellschaft 54 (1938).
- Heichelheim, Bursian: F. M. Heichelheim, 'Griechische Staatskunde 1902-1932 (1934).' Bursians Jahresberichte ueber die Fortschritte der klassischen Altertumswissenschaft 250 Suppl. (1935).
- Heichelheim, Wirtschaftsgeschichte: F. M. Heichelheim, 'Wirtschaftsgeschichte des Altertums' I., II. (1938).
- Heuss, Stadt und Herrscher: A. Heuss, 'Stadt und Herrscher des Hellenismus.' Klio Beiheft 39 (1937) (many misinterpretations and faulty translations).
- Highby: L. J. Highby, 'The Erythrae Decree.' Klio Beiheft 36 (1936).
- J.H.St.: Journ. Hell. Stud.
- Kahrstedt, Staatsk.: U. Kahrstedt, 'Griechisches Staatsrecht.' I. (1922).
- Kahrstedt, Studien I., II.: U. Kahrstedt, 'Studien zum öffentlichen Recht Athens.' I., II. Göttinger Forschungen IV. (1934); X. (1936).
- Laqueur: R. Laqueur, 'Epigraphische Untersuchungen zu den griechischen Volksbeschlüssen' (1927).
- Liddell-Scott: H. G. Liddell-R. Scott, 'A 'Greek-English Lexicon' I., II.² (1925-1940).

- Michell : H. Michell, 'The Economics of Ancient Greece' (1940).
- Nesselhauf : H. Nesselhauf, 'Untersuchungen zur Geschichte der Delisch-Attischen Symmachie.' *Klio Beih.* 30 (1933). I., II.
- O.G.I.S.: *Orientalis Graecae Inscriptiones Selectae*/(ed. Dittenberger, 1903/5).
- Phillipson : C. Phillipson, 'The International Law and Custom of Ancient Greece and Rome' I. (1911).
- Pope : Helen Pope, 'Non-Athenians in Attic Inscriptions.' *Phil. Diss.* Columbia Univ. New York (1935).
- Ranulf : Sven Ranulf, 'The Jealousy of the Gods and Criminal Law at Athens' I., II. (1933/1934).
- R.E.: Pauly-Wissowa-Kroll, 'Realenzyklopaedie der Klassischen Altertumswissenschaft.'
- R.E.G.: *Revue des Etudes Grecques*.
- Schaefer, Staatsform : H. Schaefer, 'Staatsform und Politik. Untersuchungen zur griechischen Geschichte des 6. und 5. Jahrhunderts v. Chr.' (1932). (many misinterpretations and faulty translations).
- Schlesinger : E. Schlesinger, 'Die griechische Asylie.' *Phil. Diss.* Giessen (1933).
- Schwyzler : E. Schwyzler, 'Dialectorum Graecorum exempla epigraphica potiora' (1923).
- S.E.G.: *Supplementum Epigraphicum Graecum*.
- Seltman : C. T. Seltman, 'Athens' (1924).
- Syll.³: *Sylloge Inscriptionum Graecarum* (3rd ed. W. Dittenberger-F. Hiller von Gaertringen). I-IV. (1915-1923).
- Tod : M. N. Tod, 'A Selection of Greek Historical Inscriptions to the End of the Vth Cen. B.C.' (1933).
- Usteri : P. Usteri, 'Aechtung und Verbannung im griechischen Recht.' *Phil. Diss.* Zuerich (1903).
- Weiss : E. Weiss, 'Griechisches Privatrecht auf rechtsvergleichender Grundlage' I. (1923).
- Wuest : Fritz R. Wuest, 'Philipp II. von Makedonien und Griechenland in den Jahren von 346 bis 338' (1938).

NOTES

Cp. for all other abbreviations Liddell-Scott, XVI f.

1). Only the verbs *ικετεύω* and *φεύγω* ('flee one's country') and the adjectives *ικέτης* and *φύξιμος* were known to Homer. *Ἀτιμος* in the meaning of 'outlaw' is Solonic, if not earlier; but most of the terms which are of interest in connection with this book as well as the full legal terminology which produced them are not found in our sources before the early Vth century B.C., and were probably created during the two preceding centuries, e.g., *ἄειφυγία*, *ἀποφυγή*, *ἀσύλητος*, *ἀσυλία*, *ἄσυλος*, *ἀτιμία* ('deprivation of civic rights'), *ἀτιμώω*, *ἀφικετεύω*, *ἐκπίπτω*, *ικέσιος*, *ικεσία*, *ικετεία*, *ικέτευμα*, *ικετηρία*, *ικετήριος*, *ικέτις*, *φυγαδεύω*, *φυγαδικός*, *φυγάς*, *φυγή* ('banishment,' 'body of exiles'). *Ἀσυλαῖος*, *ἀσυλεῖ*, *ἀτιμάζω*, *ικετικός*, *περιφυγή*, *προσφεύγω*, *προσφυγή*, *προσφύγιον*, *πρόσφυγος*, *φυγαδεία*, *φυγαδεῖον*, *φυγαδευτήριον*, *φυγαδευτικός*, *φυγαδοσῆρας*, *φύγιμον*, *φυγόπατρις*, *φύξιον*, *φύξιος*, *φύξιπολις* are known from the Hellenistic and Roman periods only; but at least some of these words are probably of an earlier date. Cp. the references in Liddell-Scott, s.v., s.v̄.

2). The standard work for questions of this kind is Glotz, 'Solidarité.' Cp. in addition Phillipson, 124 f.; Weiss, 164 f.X., 171 f.; V. Ehrenberg, 'Der griechische und der hellenistische Staat' (A. Gercke—E. Norden, 'Einleitung in die Altertumswissenschaft' III 3, 1932), 3 f.; Kahrstedt, Studien, I, 260 f.; K. Latte, 'Beitraege zum griechischen Strafrecht.' Hermes 66 (1931), 30 f., 129 f.; Diller, 83 f.; Bonner-Smith I, Chapter 1; 11, 272.

3). Cp. I. G. Frazer, 'The Golden Bough,' II³ (1911), 103 f.

4). Cp. Schlesinger, passim, and in addition L. Gernet, 'Recherches sur le developpement de la pensée juridique et morale en Grece' (1917), 264 f.; H. A. Ormerod, 'Piracy in the Ancient World' (1924), 62 f., 76; Kahrstedt, Staatsr., 13 f., 64, 393 f.; K. Latte, 'Heiliges Recht' (1920), 61 f.; P. Vinogradoff, 'Outlines of Historical Jurisprudence' II (1922), 153 f.; Weiss, 495 f.; J. Hasebroek, 'Griechische Wirtschafts- und Gesellschaftsgeschichte' (1931), Index s.v. Raub; J. Hasebroek, 'Staat und Handel im alten Griechenland' (1928), 125; E. F. Bruck, 'Totenteil und Seelgeraet im griechischen Recht.' Muench. Beitr. zur Papyrusf. und Ant. Rechtsgesch. 9 (1926), 41 f., 45 f., 49 f., 58 f.; Schaefer, Staatsform, 45 f.; Hampl, 4 f.; Diller,

138 f.; H. J. Rose, 'Greek Rites of Stealing.' *Harvard Theol. Review* 34 (1941), 1 f. Cp. also Tod, Nos. 33 and 34; M. Guarducci, 'Inscriptiones Creticae' I. (1935), 231 f. No. 1.

5). Hom. Il. IX, 63 f. For banishment as a common penalty for homicide of relatives or members of the same community during the period from Homer to Draco cp. especially Bonner-Smith I, 15 f., 111 f.; G. Thomson, 'Aeschylus and Athens' (1941), 34 f., 73 f., 435.

6). The Attic tragedy, especially Aeschyl., Suppl., Sophocl., Oedip. Tyr., Oedip. Colon., (cp. also Paus. III, 5, 6/7; 7, 9/10) and legal inscriptions from Elis and Cyrene (Syll. 3, 11; 550 = Schwyzler, 330 a; S.E.G. IX, 72 sections 18-20) are our main sources for such traditional customs. Cp. for a convincing interpretation of the evidence referring to *ἱκέτης* and *ἱκετεῖα* M. Delcourt, 'Les suppliants et leurs rameaux au début d'Oedipe-Roi.' *L'Antiqu. Class.* 6 (1937), 63 f.; Schlesinger, 29 f., 34 f., 38 f.; H. I. Stukey, 'The Cyrenean Hikesioi.' *Class. Phil.* 32 (1937), 32 f. Cp. also in addition Phillipson, 57; L. Gernet, 'Recherches sur le développement de la pensée juridique et morale en Grèce' (1917), 253 f.; U. von Wilamowitz-Moellendorf, 'Der Glaube der Hellenen' II. (1932), 355, 394; Schaefer, *Staatsform*, 46 f.; G. Richard, 'L'impureté contagieuse et la magie dans la tragédie Grecque.' *Rev. des Etud. Anc.* 37 (1935), 301 f.; A. B. Cook, 'Zeus' II 2 (1925), 1096 f.; III. 1 (1940), 951 f.; Daube, I, 50 f., 74 f., 81 f., 85 f.; G. Thomson, 'Aeschylus and Athens' (1941), 34 f., 73 f., 295, 300 f.

It is also worthy of note that pre-Solonic Athens had special officials, the so-called *ephetae*, who acted in all cases of *ἱκετεῖα* which did not require a decision from the *boule* and the *demos*. Cp. Bonner-Smith, I, 103 f.

For similar rites and customs throughout the world cp. I. G. Frazer, 'The Golden Bough,' II³ (1911), 165 f.; P. Vinogradoff, 'Outlines of Historical Jurisprudence' I. (1920), 359 f.; F. Altheim, 'Römische Religionsgeschichte' II. (1932), 44 f.; F. Altheim, 'A History of Roman Religion' (1938), 255 f., 518, 531; C. W. Westrup, 'Introduction to Early Roman Law' (1934) *passim*; C. W. Westrup, 'Family Property and Patria Potestas' (1936), *passim*; C. W. Westrup, 'Joint Family and Family Property in Early Law.' *Studi in Memoria di A. Albertoni* I (1935), 143 f.

7). Cp. Glotz, *Solidarité*, 479.

8). Cp. B. L. Bailey, 'The Export of Attic Black-Figure Ware.' *Journ. Hell. Stud.* 60 (1940), 22 f.; V. Ehrenberg, 'When did the Polis rise?' *Journ. Hell. Stud.* 57 (1937), 147 f.; F. M. Heichelheim, 'Die Ausbreitung der Muenzgewirtschaft und der Wirtschaftstil im Atchaischen Griechenland.' *Schmollers Jahrb.* 55 (1931), 229 f.; F. M. Heichelheim, 'Wirtschaftsgeschichte des Altertums' (1938), chapters V and VI.

9). Cp. especially R. Hirzel, 'Themis, Dike und verwandtes' (1907), 56 f.; V. Ehrenberg, 'Die Rechtsidee im fruehen Griechentum' (1921), 54 f. and index s.v. Dike and δίκη, and in addition J. L. Myres, 'The Political Ideas of the Greeks' (1927), index s.v. Dike; Weiss, 19 f.; L. Gernet, *Recherches* 52 f., 107 f., 150 f., 459 f.; L. Gernet, *L'institution des arbitres publics à Athènes.* Rev. Et. Gr. 52 (1939), 389 f.; H. Hanslik, 'Themis und Dike.' *Opuscula Philologica* 4 (1929), 5 f.; Daube, index, s.v. Dike; G. Thomson, 'Aeschylus and Athens' (1941) index s.v. Dike, Justice, Themis.

10). Hom. Il. XXIII, 85-88. Another method of evading banishment which was known to Homer (Il. IX, 632-636; XVIII, 497-508) was to pay an agreed fine to the family of the person whose life had been taken. Cp. also Myres, op. cit., 118 f.

11). For non-political offences cp. note 83.

12). For the cases of Homeric and post-Homeric mythical emigrés and refugees from Asia Minor to Italy and their more or less historical background cp. S. Casson, 'Cretan and Trojan Emigrés.' *Class. Rev.* 44 (1930), 52 f.; F. Altheim, 'Reemische Religionsgeschichte' II (1932), 71 f.; F. Altheim, 'History of Roman Religion' (1938), 206 f.; F. Altheim, 'Epochen der roemischen Geschichte.' *Frankf. Stud. zur Religion und Kultur der Antike* 9 (1934), 141 f.; Diller, 32 f., 70 f.; Daube, 51, 56.

13). Hdt. V, 71; Thuc. I, 126; Arist. Ath. Pol. I; Heraclid. Pont F.H.G. II, p.208 fr.4; Plut. Sol. 12; Paus. VII, 25, 3; Schol. Aristoph. Equit. 445. Cp. with complete bibliography R.E.art. Kylon (1), Megakles (2), Myron (3), Theagenes (2); C.A.H. IV, 27 f., 661 f.; C. T. Seltman, 'Athens' (1924), 20 f.; Glotz, *Histoire* I, 418 f. 418 f.; K. Freeman, 'The Work and Life of Solon' (1926), 161 f.; H. T. Wade-Gery, 'Alkmaeonid and Eupatrid.' *Class. Quart.* 25 (1931), 82 f.; Schlesinger 33 f., 37; Bonner-Smith, I, 102 f., 129 f., 134 f., Kahrstedt, *Studien* II, 278; Friedel, 12 f.; G. Thomson, 'Aeschylus and Athens' (1941), 76.

If we are to trust our sources at all, Cylon's coup d'état has to be dated in the VIIth and not in the VIth century B.C.

14). Cp. now Friedel, 15 f. on the difficult, if not insoluble problem whether the Areopagus, the archons or an emergency court were concerned with the Cylonic trial. Cp. also Kahrstedt, *Studien* I, 97 on this case of ἀειφυγία.

15). In any case, our authorities mention only the relatives and heirs of Megacles at the subsequent trial.

16). P. Vinogradoff, 'Outlines of Historical Jurisprudence' II. (1922), 181 suggests therefore that we should consider these 'tribunals of the 300 representatives of the Eupatrid clans (ἀριστινδὴν ἀλρεθέντες) as 'an enlarged and extraordinary

commission of ephetae' which derived its authority from the jurisdiction of the Areopagus.

17). Plut. Sol. 19. Cp. U. von Wilamowitz-Moellendorff, 'Aristoteles und Athen' I (1893), 17; K. Freeman, 'The Work and Life of Solon' (1926), index s.v. amnesty law; Bonner-Smith, I, 104 f.; Kahrstedt, Studien I, 96; Friedel, 15 f. C. T. Seltman ('Athens' (1924), 20 note 4), F. E. Adcock (C.A.H. IV, 45) and N. G. L. Hammond ('The Seisachtheia and the Nomothesia of Solon.' Journ. Hell. Stud. 60 (1940), 80, 82) suggest that the Alcmaeonids were condemned ἐπὶ φόνῳ or ἐπὶ σφαγαῖσιν, crimes not included in Solon's amnesty, and that they were recalled by their friends in Athens two or three years after his amnesty had become law. The slaying of the Cylonids could certainly be called σφαγαί; but it is equally certain from our authorities that the Alcmaeonids were condemned for ἀσέβεια in the original trial, and not for murder or manslaughter (cp. for this translation οὐκ ἐπὶ φόνῳ ἢ σφαγαῖσιν G. Smith, 'The Prytaneum in the Athenian Amnesty Law.' Class. Phil. 16 (1921), 345 f.). This is a formal argument for the legal status of the Alcmaeonids which would have convinced any Attic court of the Vth or IVth centuries B.C. that Solon's amnesty entitled the clan to return. We cannot believe that the Athenians of Solon's period were stricter than the generations that followed in interpreting their laws, and considered persons as murderers who had never been tried for murder.

18). Cp. for this great statesman and his political ideal of eunomia with earlier bibliography R.E. art. Solon; C. T. Seltman, 'Athens' (1924), 20 f.; K. I. Freeman, 'The Work and Life of Solon' (1926), passim; H. T. Wade-Gery, 'Eupatridae, Archons and Areopagus.' Class. Quart. 25 (1931), 77 f.; Bonner-Smith I, 63, 98; II, 4, 7, 305; Schaefer, Staatsform, 110 f.; Ranulf I, 130 f.; Kahrstedt, Studien I index s.v. Solon; II, 142, 278, 283; W. J. Woodhouse, 'Solon the Liberator' (1938), 180 f.; C. W. Bowra, 'Early Greek Elegists' (1938), 73 f.; N. G. L. Hammond, 'The Seisachtheia and the Nomothesia of Solon.' Journ. Hell. Stud. 60 (1940), 71 f.; G. Thomson, 'Aeschylus and Athens' (1941), index s.v. Solon; N. Lewis, 'Solon's Agrarian Legislation.' Amer. Journ. Phil. 62 (1941), 144 f.; C. von Fritz, 'The Meaning 'Εκτήμορος.' Amer. Journ. Phil. 61 (1940), 54 f.

19). Arist. Ath. Pol. VIII, 4 Cp. Weiss, 198 f.; Freeman, cp. cit., 80 f., 132 f.; Friedel, 23 f.; Bonner-Smith I, 298. Similar laws of other Greek cities against tyrants, conspiracy against the constitution and treason are Syll. ³, 37/38 (Teos, before B.C. 479); Syll. ³, 58=Tod, 35 (Miletus, about B.C. 450); Syll. ³ 45=Tod, 25 (Halicarnassus under Lygdamis); O.G.I.S. I, 8, 145=I.G. XII. Suppl. p. 33 No. 526 (Lesbos, IVth century B.C.). Cp. with bibliography Weiss, 166; K. Latte, Hermes 66 (1931),

142 f.; F. M. Heichelheim, *Bursians Jahresberichte* 250 Suppl. (1935), 227.

20). Arist. Ath. Pol. VIII, 5; Plut. Sol. 20; Plut. Praec. ger. rei p. 32 p. 823; Plut. De sera num. vind. 4 p. 550 C. For the meaning 'outlaw' of ἄτιμος in the periods of Solon and Pisistratus cp. Weiss, 165 f.; Kahrstedt, *Studien* I, 118 f.; II, 61; Friedel, 20 f.

20). Arist. Ath. Pol. XVI, 10: ᾠσαν δὲ καὶ τοῖς Ἀθηναίοις οἱ περὶ τῶν τυραννῶν νόμοι πρῶτοι κατ' ἐκείνους τοὺς καιροὺς, οἳ τ' ἄλλοι καὶ δὴ καὶ ὁ μάλιστα καθήκων πρὸς τὴν τῆς τυραννίδος «κατάστασιν (?)». Νόμος γὰρ αὐτοῖς ἦν ὅδε. Θέσμις τάδε Ἀθηναίων καὶ πάτρια «ἐπὶ τυραννίδι». Ἐάν τινες τυραννεῖν ἐπανιστῶνται (ἐπὶ τυραννίδι), ἡ συγκαθιστῇ τὴν τυραννίδα, ἄτιμον εἶναι καὶ αὐτὸν καὶ νένορ.

Our only MS of this text, a famous papyrus, has ἐπὶ τυραννίδι after ἐπανιστῶνται. The two words are usually deleted in modern editions, because they give no sense in that context. Dr. Heichelheim suggests instead that a copyist inserted them in this wrong position, because he mixed up the two similar ends of two succeeding lines in an earlier MS. The first line of this passage in the archetype would have ended with ἐπὶ τυραννίδι, the next line of 29 letters with ἐπανιστῶνται. Cp. also H. Swoboda, 'Beitraege zur griechischen Rechtsgeschichte.' *Zeitschr. Savigny Stift. Rom. Abt.* 1905 p. 188; Busolt-Swoboda, 233 f., 848; Kahrstedt, *Studien* I, 98, 103, 118 f., 121.

22). Cp. note 20. The arguments of Friedel, p. 25 note 63 against this interpretation of Arist. Ath. Pol. XVI, 10 are not convincing. Friedel, 22 himself acknowledges that there was a change in the legal meaning of ἄτιμος between Draco and Aristotle. An ἄτιμος of the VIIth and VIth centuries B.C. was liable to be put to death, if he did not go into exile. An ἄτιμος of the IVth century B.C. was deprived of civic honours, but could remain in Athens under the protection of the law. Cp. the best existing discussion of the problem of the changing meaning of this term by C. Colin, *Rev. de Phil.* 7 (1933), 250 f. (on Demosth. IX, 43 f.; Aeschyl. *Agamemn.*, 1279; Plato. *Gorgias* 508 c/d; I.G. II², 1357). Usteri, chapt. I has collected much evidence on the same point, but interprets too many passages and documents in the Draconian, Solonic and Pisistratid sense of the term. Cp. in addition L. Gernet, 'Recherches sur le developpement de la pensée juridique et normale en Grèce' (1917), 112 f.; Busolt-Swoboda, 230 f.; Daube, 197 f., 206.

23). Cp. R. E. art. Megakles (2); W. S. Ferguson, *Hesperia* 7 (1938), 43 f.; B. D. Meritt, *Hesperia* 8 (1939), 59 f.; C. T.

Seltman, 'Athens' (1924), 20 f., 33 f., 39 f., 43 note 3, 45 f., 54 f., 79 f., 134 f., 138 f.

24). Cp. R. E. art. Hipparchos (1), Hippias (1), Lykurgos (12), Peisistratiden, Peisistratos (3); C.A.H. IV, 59 f.; P. N. Ure, 'The Origin of Tyranny' (1922), 35 f.; Seltman, loc. cit.; Schaefer, Staatsform, 148 f.; H. Berve, 'Miltiades.' *Hermes Einzelschrift* 2 (1937); H. J. Rose, *Class. Quart.* 34 (1940), 81 f.; T. R. Glover, 'The Exile of Pisistratus.' *Proceed. of the Cambridge Philol. Soc.* 1940 (1941), 5; G. Thomson, 'Aeschylus and Athens' (1941), index s.v. Peisistratidai, peisistratos.

25). *Plut. Sol.*, 30; *Isocr. De bigis*, 25/6.

26). *Arist. Ath. Pol.* XIV, 3; *Hdt.* I, 60; VI, 121.

27). *Arist. Ath. Pol.* XIV, 4; XV, 1; *Hdt.* I, 60/61. Cp. W. Erdmann, 'Die Ehe im alten Griechenland.' *Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch.* 20 (1934), 391 f.

28). *Arist. Ath. Pol.* XV, 1; *Hdt.* I, 61.

29). *Hdt.* I, 61, 64; V, 78, 55, 65-66; *Aristoph. Lysistr.*, 1150 f.; *Andoc.* I, 106; *Isocr. Paneg.*, 148.

30). *Arist. Ath. Pol.*, XIX, 4; *Hdt.* V, 63. Cp. also A. O. Larsen, 'Sparta and the Ionian Revolt.' *Class. Phil.* 27 (1932), 136 f.

31). A fragmentary list of Athenian archons, which has been published by B. D. Meritt, *Hesperia* 8 (1939), 61 f., seems to indicate that Cleisthenes, the Alcmaeonid, was an archon in B.C. 525/4, and therefore probably joined the other members of his family in voluntary exile as late as after the murder of Hipparchus. Cp. for Harmodius and Aristogeiton M. Hirsch, 'Die athenischen Tyrannenmoerder in Geschichtsschreibung und Volkslegende.' *Klio* 20 (1926), 129 f.; Kahrstedt, *Studien* I, 335, 337; Friedel, 27 f.; P. Friedlaender, 'Geschichtswende im Gedicht' *Stud. Ital. Filol. Class.* 15 (1938), 89 f.; A. E. Raubitschek, *Am. Journ. Arch.* 44 (1940), 58 note 2 and *Journ. Hell. Stud.* 60 (1940), 52.

32). *Arist. Ath. Pol.*, XIX, 5/6; *Hdt.* V, 64/65, 94; *Thuc.* VI, 59. Cp. G. Busolt, 'Griechische Geschichte' II² (1895), 397.

33). *Arist. Ath. Pol.*, XVI, 10; *Thuc.* VI, 55, Cp. Busolt, op. cit., II., 398; Glotz, *Solidarité*, 481 f.; Kahrstedt, *Studien* I, 97 f., 169. This stele, like the later ones for Isagoras and his partisans, Arthmios of Zeleia, Themistocles, Antiphon and others, was made of bronze. Cp. W. S. Ferguson, *Mélanges Glotz* I. (1932), 355; Friedel, 39 f. It is possible that the final proscription of the Pisistratids or at least the more severe regulations connected with it were decreed as late as B.C. 488/7. B. D. Meritt and A. E. Raubitschek, *Hesperia* 8 (1939), 63 f. suggest this with good reasons. According to them Pisistratus, the son of the tyrant Hippias, was elected an Athenian archon in B.C. 497/6, and was ostracised in B.C. 488/7. An ostrakon bearing

the name of the younger Pisistratus seems to support the much doubted evidence of Arist. Ath. Pol., XXII, 3. Cp. also I.G. I² 761=Tod, 8; and Carcopino, 81 f.; 142 f.; B. D. Meritt, 'Epigraphica Attica.' Martin Class. Lectures 9 (1940), 91; G. Thomson, 'Aeschylus and Athens' (1941), 222.

34). Arist. Ath. Pol., XX, 1; Hdt. V, 66. Cp. R. E. art. Isagoras (1), Kleisthenes (2), Kleomenes (3). Lysagoras (1); V Ehrenberg, 'Neugruender des Staates' (1925), 55 f.; Kahrstedt, Studien I, 60 f., 78, 121; II, 142, 278; Schaefer, Staatsform, 103, 110, 114 f.; Bonner-Smith, I, 187 f.; J. L. Myres, 'Cleisthenes in Herodotus.' Mélanges Glotz II (1932), 657 f.; H. T. Wade-Gery, 'The Laws of Cleisthenes.' Class. Quart. 27 (1933), 17 f.; J. A. R. Munro, 'The Ancestral Laws of Cleisthenes.' Class. Quart. 32 (1939), 84 f.

35). Arist. Polit. III, 1275 b; Arist. Ath. Pol. XIII, 5. Cp. Kahrstedt, Studien I, 60 f., 78; T. J. Haarhoff, 'The Stranger at the Gate' (1939), 43 f.

36). Cp. W. S. Ferguson, Hesperia 7 (1938), 43 f.

37). Arist. Ath. Pol. XX, 1-3; Hdt. V, 66, 70, 72. The Marmor Parium (46, ed F. Jacoby) has 'Lysagoras' and not 'Isagoras' as was read in the earlier editions of this inscription. It does not therefore refer to the events mentioned above.

38). Thuc. I, 126.

39). Arist. Ath. Pol. XX, 3.

40). Schol. Aristoph. Lysistr., 273: Κλεομένης: Λακεδαιμόνιος ὢν στρατηγὸς ἐπιστρατεύσας τῇ Ἀττικῇ μετὰ τῶν Ἀθηναίων ἐπὶ τυραννίδι τὴν Ἀκρόπολιν κατέσχε — — — Τῶν δὲ μετὰ Κλεομένουσ' Ἐλευσίνα κατασχόντων Ἀθηναῖοι τὰς οἰκίας κατέσκαψαν καὶ τὰς οὐσίας ἐδήμευσαν, αὐτῶν δὲ θάνατον ἐψηφίσαντο καὶ ἀναγράψαντες εἰς στήλην χαλκὴν ἔστησαν ἐν πόλει παρὰ τὸν ἀρχαῖον νεών. Cp. H. Swoboda, Arch.-Epigr. Mitteil. aus Oesterr. XVI. (1893), 61; Bonner-Smith I, 199 f.; W. S. Ferguson, Mélanges Glotz I (1932), 355.

41). Usteri, 53 and H. Swoboda, 'Beitraege zur griechischen Rechtsgeschichte.' Zeitschr. Sav. Stift. Rom. Abt. (1905), 150 note 1. For a different view cp. Carcopino, 32 f.

42). Carcopino, 33.

43). Cp. in addition to Carcopino (passim) Busolt-Swoboda, 884 f.; Glotz, Histoire I, 478 f.; G. Glotz, 'The Greek City' (1929), 169 f.; V. Ehrenberg, 'Neugruender des Staates' (1925), 60, 128; R. J. Bonner, 'The Minimum Vote in Ostracism.' Class. Phil. 8 (1913), 223 f.; Bonner-Smith I, 193 f.; L. Gernet, 'Recherches sur le developpement de la pensée juridique et morale en Grèce' (1917), 402 f.; W. Huettl, 'Verfassungsgeschichte von Syrakus' (1929), 70 f.; H. T. Wade-Gery, 'Thucydides, the Son of Melesias.' Journ. Hell. Stud. 72 (1932), 205 f.;

F. Schachermeyr, 'Zur Chronologie der kleisthenischen Reformen.' *Klio* 25 (1932), 334 f.; Ranulf, I, 132 f.; II (1934), 280 f.; Schaefer, *Staatsform*, 116 f.; Kahrstedt, *Studien* I, 123 f.; II, 24, 88, 108; B. D. Meritt, *Hesperia* 8 (1939), 63 f. For finds of ostraca cp. I.G. I², 908-915; Tod, 15, 42; *Hesperia* 9 (1940) p. 205 f., 246 and fig. 47; *Hesperia* 10 (1941) p. 2 f. and fig. 23.

44). Arist. *Ath. Pol.*, XLIII, 5.

45). Philochorus, F.H.G. I p. 397 frgm. 79 b.

46). Carcopino, 190.

47). Cp. note 86.

48). Cp., not always convincing, Carcopino, 249 f.

49). Demosth. XXIV, 144: Οὐδὲ δῆσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ πλὴν ἑάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνεχῶν ἀλῶ. Cp. H. T. Wade-Gery, 'The Charter of the Democracy, 410 B.C.-I.G. I², 114.' *Annual Brit. School at Athens* 33 (1935), 113 f., and in addition A. Wilhelm, 'Attische Urkunden IV.' *Sitz. Akad. Wien* 1939 (1940), 48 f.; B. D. Meritt, *Hesperia* 10 (1941), 319 f.; Busolt-Swoboda, 1007, 1023; Kahrstedt, *Studien* II, 66; Friedel, 43 f. The above formula was probably introduced or finally remodelled during the Cimonian or Periclean periods when the danger from tyrants was insignificant and special provisions against them could be safely omitted.

50). Andoc. I, 97/98: Ληξιαρχικὸν πολιτικόν. Κτενῶ καὶ λόγῳ καὶ ἔργῳ καὶ ψήφῳ καὶ τῇ ἑαυτοῦ χειρὶ, ἂν δυνατὸς ᾦ, ὃς ἂν καταλύσῃ τὴν δημοκρατίαν τὴν Ἀθηναίων, καὶ ἑάν τις ἄρξῃ τινὰ ἀρχὴν καταλελυμένης τῆς δημοκρατίας τὸ λοιπὸν καὶ ἑάν τις τυραννεῖν ἐπαναστῇ ἢ τὸν τύραννον συγκαταστήσῃ. Καὶ ἑάν τις ἄλλος ἀποκτείνῃ, ὅσιον αὐτὸν νομιῶ εἶναι καὶ πρὸς θεῶν καὶ δαιμόνων, ὥς πολέμιον κτείναντα τὸν Ἀθηναίων, καὶ τὰ κτήματα τοῦ ἀποθανόντος πάντα ἀποδόμενος ἀποδώσω τὰ ἡμίσεω τῷ ἀποκτείναντι, καὶ οὐκ ἀποστερήσω οὐδέν. Ἐὰν δέ τις κτείνων τινὰ τούτων ἀποθάνῃ ἢ ἐπιχειρῶν, εὖ ποιήσω αὐτὸν τε καὶ τοὺς παῖδας τοὺς ἐκείνου καθάπερ Ἀρμόδιόν τε καὶ Ἀριστογείτονα καὶ τοὺς ἀπογόνους αὐτῶν.

Cp. the most recent discussion of this important text by Friedel, 39 f., 56 f.; J. Hatzfeld, 'La fin du régime de Thérémène.' *Rev. des Et. Anc.* 40 (1938), 113 f.; Kahrstedt, *Studien* I, 73 f., 93 f. and with the earlier bibliography Busolt-Swoboda, 243, 848 f.

51). Demosth. XXIV, 149-151: Καὶ τύραννον οὐ ψηφιοῦμαι εἶναι οὐδ' ὀλιγαρχίαν. Οὐδ' ἑάν τις καταλύῃ τὸν

δημιον τὸν Ἀθηναίων ἢ λέγει ἢ ἐπιψηφίζῃ παρὰ ταῦτα, οὐ πείσομαι. Οὐδὲ τῶν χρεῶν τῶν ἰδίων ἀποκοπὰς οὐδὲ γῆς ἀναδασμὸν τῆς Ἀθηναίων οὐδ' οἰκίων. Οὐδὲ τοὺς φεύγοντας κατὰξω, οὐδὲ ὧν θάνατος κατέγνωσται, οὐδὲ τοὺς μένοντας ἐξελῶ παρὰ τοὺς νόμους — — — — —.

Cp. Busolt-Swoboda, 553, 1153 f.; H. Hommel, 'Heliaia.' *Philologus Suppl.* 19, 2 (1927), 44 f.; G. Glotz, *Rev. Hist.* 122 (1916), 570; G. Glotz, 'The Greek City.' (1929), 239 f.; Glotz, *Histoire* II., 324; III, 17 f., 69 f.; Kahrstedt, *Studien* I, 73 f., 93 f., 121, 131; II, 66 f.; G. Mathieu, *R.E.G.* 40 (1927), 116; Highby, 23 f., 29 f.; J. F. Cronin, 'The Athenian Juror and his Oath.' *Phil. Diss.* Chicago 1934 (1936).

Two other oaths have been recovered recently from an Attic stele, one alleged to have been sworn by the Athenian army before the battle of Plataeae, and the other by the Athenian ephebs in the IVth century B.C. Both oaths are non-political and, therefore, not connected with the problems discussed in this book. Cp. L. Robert, 'Etudes épigraphiques et philologiques.' *Bibl. de l' Ecole des Hautes Etudes* 272 (1938), 296 f., 307 f.; Kahrstedt, *Studien* I, 73 f.; D. W. Prakken, 'Note on the Apocryphal Oath of the Athenians at Plataeae.' *Am Journ. Phil.* 61 (1940), 62 f.

52). *Arist. Ath. Pol.* VIII, 4; XVI, 10. Friedel, 39 f., 56 f. suggests not two, but three stages in the development of the citizens' oath a). before Pisistratus; b). after the expulsion of Hippias; c). B.C. 410. Judgment will have to be deferred until more conclusive proof for this attractive view is forthcoming.

53). Cp. note 19.

54). *Hyper.* I, 10, 5; IV, 7; *Demosth.* XX, 100; *Dareste*, 'Recueil des Inscriptions Juridiques Grecques' II, p. 56. Cp. *R. E.* art. *Eisangelia*; Busolt-Swoboda, 304, 1008ff; Kahrstedt, *Studien*, I, 154 f.; II, 110 f., 205; *Bonner-Smith* I, 209, 298 f.

55). The Athenian decree for Erythrae, I.G. 12, 10 lines 31 f., provides that the children of enemies of the State, if they behaved as loyal citizens, should be entitled to one half of the confiscated possessions of their fathers. Similarly means are found in a law from Elis (*Michel*, 1334=Schwyzer, 424), which is dated in the middle of the fourth century B.C., to protect the relatives of refugees against banishment and confiscation of property. Even the possessions of refugees could remain intact under state control, if none of them were sent to the fugitives abroad. Cp. also notes 67, 256, 282.

56). The date of the Arthmius incident is not above dispute. B.C. 457/5 (Busolt, Colin, Kolbe and many predecessors) and B.C. 451/0 (Swoboda) have been suggested as possible alternatives. We accept the arguments of M. Cary, 'Arthmius of Zeleia.' *Class. Quart.* 29 (1935), 177 f., who was indepen-

dently, but not convincingly, supported by H. Schaefer, *Hermes* 71 (1936), 144 f. Cp. also for Arthmius R.E. art. Arthmius; H. Swoboda, *Arch.-Epigr. Mitt. aus Oesterr.* 16 (1893), 50 f.; Busolt-Swoboda, 231, 233; Glotz, *Histoire* II, 154; W. S. Ferguson, *Mélanges Glotz* I (1932), 355; G. Colin, 'La déformation d'un document historique.' *Rev. de Phil.* 7 (1933), 237 f.; Highby, 102; Friedel, 26, 40; W. Kolbe, *Hermes* 73 (1938), 259 f.

57). Our main authority is *Demosih.* IX, 41-45. Cp. especially IX, 42 and *Aeschin.* III, 258.

58). *Diod. Sic* XIV, 6, 1; *Plut. Lysand.*, 27. Cp. also note 218.

59). *Syll.*³, 283.

60). *Diod. Sic.* XVIII, 55 and 56. Cp. also note 292.

61). *Thuc.* II, 67, 4. Cp. H. Swoboda, *Arch.-Epigr. Mitt. aus Oesterr.* 16 (1893), 62; Glotz, *Histoire* II, 629; *Ranulf* II, 13 f.; R. E. art. *Sitalkes* (1).

62). *Thuc.* VI, 61, 7; *Plut. Alcib.*, 22; *I.G.* I², 325.334; *Hesperia* 5 (1936) p. 382 No. 6. Cp. Swoboda, *op. cit.*, 61 f.; Usteri, 43; Glotz, *Histoire* II, 690; Kahrstedt, *Studien* I, 106; *Ranulf* II, 58.

63). *Isoc.* XVI, 9: Οἱ δ, εἰς τοσοῦτον ὕβρεως ἤλθον, ὥστ' ἐπεισαν ὑμᾶς ἐλαύνειν αὐτὸν ἐξ ἀπάσης τῆς Ἑλλάδος καὶ στηλίτην ἀναγράφειν καὶ πρέσβεις πέμποντας ἐξαίτεῖν παρ' Ἀργείων.

Alcibiades repeated his flight into voluntary exile in B.C. 406, after he had been summoned again before the Athenian judges. He was banished subsequently under Spartan influence by the Thirty in B.C. 404. *Isoc.* XVI, 40; *Xenoph. Hell.* II, 3, 42. Cp. also J. Hatzfeld, 'Alcibiades et les élections des stratèges athéniens en 406.' *Rev. des Et. Anc.* 33 (1931), 109 f.

64). Cp. R. E. art. *Themistokles* (1); C. A. H. V., 63; U. von Wilamowitz-Moellendorff, 'Aristoteles und Athen' I (1893), 145 note 38; *Bonner-Smith* I, 252, 299 f.; *Carcopino*, 157 f.; Highby, 45 f.; Kahrstedt, *Studien* I, 65, 99, 102, 126; J. A. O. Larsen, *Harvard Stud. in Class. Phil.* 51 (1941), 206. For differing opinions cp. Usteri 53 f.; Glotz, *Solidarité*, 485 f.; Schaefer, *Staatsform*, 259 f.; *Ranulf* II, 28 f.; W. S. Ferguson, *Mélanges Glotz* I (1932), 355; G. Thomson, 'Aeschylus and Athens' (1941), 229 f.

65). *Thuc.* I, 138, 6.

66). It is possible, but not certain, that the philosopher Anaxagoras, the friend of Pericles (*Diog. Laert.* II, 12; cp. J. S. Morrison, *Class. Quart.* 35 (1941), 5 f.) was banished in consequence of this most dangerous accusation, and probably Thucydides himself was similarly prosecuted. Both seem to have preferred not to stay in Athens during the court proceedings and were condemned in their absence. Cp. for Thucydides G. B.

Grundy, 'Thucydides and the History of His Age' (1911), 35; G. Busolt, 'Griechische Geschichte' III 2 (1904), p. 625 note 1; P. Cloché, 'Le procès des stratèges athéniens.' *Rev. des Et. Anc.* 27 (1925), 104 f.; Kahrstädt, *Studien I*, 99. Critias was exiled under the same accusation (cp. *R.E.* XI, 1903 f.), and Philocrates, the Hagnousian, a famous pro-Macedonian politician of the IVth century B.C., fled voluntarily into exile, because Hyperides and indirectly Demosthenes menaced him with this accusation in B.C. 343. He was outlawed and sentenced to death in his absence, and his possessions were confiscated (*Hyper.* III, 29; *Demosth.* XIX, 116 f.; *Aeschin.* II, 6; III, 79, 81; *Dinarch.* I, 28 and a recently found inscription, *Hesperia* 5 (1936), p. 393 No. 10; cp. *R.E.* art. *Philokrates* (5)). For similar cases in Classical Athens cp. *Xenoph. Hell.* V, 4, 19 and Kahrstädt, *Studien II*, 111 f.; P. Cloché, *loc. cit.*, 107, 109. For Hellenistic Athens the case of Dinarchus may be mentioned who went into voluntary exile by the same reason in B.C. 307 (*Dionys. Hal., Din.*, 2; *Phot., Din.*, 379 D). The demos of Syracuse banished similarly many distinguished citizens, especially unsuccessful strategi ἐπὶ προδοσίᾳ between B.C. 453 and 406/5 (*Diod. Sic.* XI, 88, 5; XIII, 91, 3; 92, 4 f.; XVI, 66, 5; *Xenoph. Hell.* I, 1, 27; *Polyaen.* V, 2, 2; cp. W. Huettl, 'Verfassungsgeschichte von Syrakus' (1929), 70, 73, 99). In Sparta Cleandridas and the kings Leotychidas II, Pausanias II, and Pleistoanax went into voluntary exile after they had been accused of treason, and were condemned in their absence, and a certain Pasippiades was sentenced to banishment under a similar accusation (*Diod. Sic.* XIII, 106, 10; XIV, 89; *Hdt.* VI, 72; *Paus.* III, 5, 6/7; 7, 9/10; *Plut. Pericl.* 22; *Lys.* 28-30; *Xenoph. Hell.* I, 1, 32; 3, 13 and 17; III, 5, 6/7; 17-25; *Thuc.* II, 21; III, 26; *Suidas*, s.v. "Ἐφοροί and εἰς τὸ δέον).

67). I.G. I, 9=I.G. I², 10:12/13 a=Syll.³ 41=S.E.G. I, 2=Michel, 1428=Tod, 29=Highby, *passim*. Our translation follows mainly that of Highby, 22 f. Cp. also Usteri, 85 f., A. Wilhelm, *Goett. Gel. Anz.* (1903), 772 f.; H. Swoboda, 'Beitraege zur griechischen Rechtsgeschichte: *Zeitschr. Sav. Stift Rom. Abt.* (1905), 157 f.; Busolt-Swoboda, 234 f., 260, 459, 466 f., 511 f., 519, 521, 544 f., 882, 1017, 1022, 1154, 1168, 1194, 1340, 1349 f.; 1354 f.; 1589; Glotz, *Histoire II.*, 156, 191, 197, 337; H. G. Robertson, 'The Administration of Justice in the Athenian Empire.' *University of Toronto Studies. History and Economics IV 1* (1924), 31 f.; Nesselhauf, 134 note 2; F. Schehl, *Oester. Jahreshefte* 27 (1932), 124 f.; Schaefer, *Staatsform*, 86, 153 f.; H. Schaefer, 'Die attische Symmachie im zweiten Jahrzehnt ihres Bestehens.' *Hermes* 71 (1936), 129 f.; Kahrstädt, *Studien II*, 136; J. H. Oliver, *Transactions and Proceedings* 66 (1935), 188 f.; A. W. Gomme, 'Euboea and Samos in the Delian Con-

'federacy.' *Class. Review* 50 (1936), 6 f.; Heuss, *Stadt und Herrscher*, 5, 11; Friedel, 44, 47 f., 65; W. Kolbe, 'Die Anfänge der attischen Arche.' *Hermes* 73 (1938), 249 f.; B. D. Meritt, *Am. Journ. Arch.* 58 (1937), 359 f.; B. D. Meritt, 'Epigraphica Attica.' *Martin Classical Lectures IX* (1940), 92.

We repeat Highby's Greek text of lines 20-38 of this inscription:

- 20 — — — Βολεύσο ὅς ἄν (δύ)νο(μ) (α)ι ἄ(ρ)ιστ(α καὶ)
 (ι) δ(ι)κα(ιό)τα(τα) Ἐρυθραῖον τοῖ πλέθει καὶ Ἀθε-
 ναῖον καὶ τον (χσυ-)
 νμά(χ)ον (κ)αὶ οὐκ (ἀποσ)τέσομαι ἈθENAῖον το
 π(λ)έθος οὐδὲ (τόν)
 χσυνμάχων τον ἈθENAῖον οὐτ' αὐτὸς ἐγὼ ο(ῦ)τ'
 ἄ(λ) (λ)οι πε(ί)σο(μ) (αι)
 (οὔ)δ' (α)ὕ(τ)ομο(λέσ)ο (ο)ὔτ' αὐτὸς ἐγὼ οὐτ',
 ἄλλο(ι) (π)εῖ(σομαι οὐδὲ ἐνί),
 25 (οὔτε) τὸν φ(ευ) (γ)όν(τον) (κατ)αδέχσομαι οὐδ(ἐ)
 ἕνα οὐτ' (αὐτ)ὸ(ς ἐγὼ οὔ(τ')
 (ἄλλο)ι πείσο(μ)α(ι τον ἐς) Μέδος φε(υ)γό(ντο)ν
 ἄνευ τ(ε) (ς) ὅο(λές τ) (ε)ς
 (Ἀθε)ναῖον καὶ το (δ) (έ)μο, (ο)ὐδὲ τὸν μενόντον
 ἐχσελο (ἄ)ν(ευ) τ(ε)ς ὅ(ο)-
 (λές τ)ές ἈθENAῖον καὶ (το δ)έμο. Ἐὰν δέ
 τ(ι)ς ἀποκτ(έ)νε(ι) (Ἐρυθραῖ-)
 ος ἕτερον Ἐρ(υ)θρ(αῖον....)ον τεθ(ν)άτω, ἐὰν (γν)ο-
 σθεῖ. (Ἐ)ὰν (δὲ)
 30 (φυγέ) (γν)οσθε(ῖ), φευγέτο ἀ(π)άσα(ν) τὲ(ν) Ἀθε-
 ναῖον χσυνμαχ(ί)δ(ας κ-)
 (αὶ τ)ὰ χρέματα δεμόσ(ια ἔσ) (τ)ο Ἐρυθραῖον. Ἐ-
 ἀν δ(έ τ)ις (ἀ) (λ)ο(ῖ προ-)
 (διδ)ὸς το(ῖ)ς τυράννοις τέμ (πόλι) (ν τ) εν Ἐρυ-
 θραῖ(ο)ν καὶ (αὐτ)ὸς (ν-)
 (επο) (ινε)ῖ τεθνάτω (κ) (αὶ ρί) παῖδε(ς) οἱ ἐχσ
 (έ)κέν(ο), ἐὰν μὲ οἰκεί-
 (ος καὶ) ἰλέο(ς) ἔχο(ν) (τες) π(α)ῖδες οἱ ἐχσ(έ)-
 κέν(ο ἐς τὸν δεμον τὸ-)
 35 (ν) Ἐρυθραῖο(ν) καὶ (τὸν) ἈθENAῖον ἀπο-
 (φ)ανθ(οσι)ν. Τὰ δὲ χρ(έ)ματα (π-)

(άντ) (α) κατα(θ)έντ(ε)ς λα(β)όντο(ν οί π)αἰδες
 τ(ο) (έμισ)υ, 'τὸ δ) (ἐ δ) (εμε-)
 (υ)έσθο. Κατὰ (τα)ύτὰ καὶ (έάν τις ἀλοῖ τὸν δ)-
 ε(μ)ον τὸν 'ΑθENAῖον (ἐ τ-)
 (ἐν φρ)ο(ρ)α(ν τ) ἐν (όσαν 'Ερ)υθρᾶσι (π) (ροδι-
 δός) — — — —

68). I.G. 12, 39=Syll. 3, 64=Michel, 70 = Tod, 42. Cp.
 lines 4-10:

— — — οὐκ έχσελο Χα-

5 λκιδέας έχ Χαλκίδος οὐδὲ τὴν πόλιν ἀνός-
 στατον ποέσο οὐδὲ ιδιότεν οὐδένα ἀτιμ-
 όσο οὐδὲ φυγεῖ ζεμιόσο οὐδὲ χσυλλέφσο-
 μαι οὐδὲ ἀποκτενο οὐδὲ χρέματα ἀφαιρέ-
 σομαι ἀκρίτο οὐδενός ἀνευ το δέμο το 'Αθ-

10 ENAῖον — — —

'ΕΞΕΛΑΨΕΙΝ in line 4 has a meaning different from ἀτιμοῦν and φυγῇ ζημιοῦν in lines 6 and 7. 'ΕΞΕΛΑΨΕΙΝ means an act of the sovereign, an expulsion of Chalcidians from their own homes that the Athenian state could order, perhaps, to establish an Athenian cleruchy in Chalcis. The Chalcidians would thus have been unable to protest, or to defend themselves in a court of law. 'ΕΞΕΛΑΨΕΙΝ therefore is precisely parallel with τὴν πόλιν ἀνάστατον ποιεῖν; this phrase also represents an irresponsible act of sovereignty on the part of Athens, but was directed against the city and its possessions, rather than against the individual citizens of Chalcis. The words of line 9 ἀνευ τὸ δέμο τὸ 'ΑθENAῖον refer, in our opinion, to the whole passage from οὐκ έχσελό in line 4 onwards. If the demos of Athens would have bound itself not to banish Chalcidians nor to destroy Chalcis under any circumstances, as many distinguished scholars believe, the anti-Athenian party in Chalcis could have plotted against the administration of the Athenian Empire without fear of serious retribution. Cp. H. Swoboda, 'Beitraege zur griechischen Rechtsgeschichte.' Zeitschr. Sav. Stift. Rom. Abt. (1905), 164; Usteri, 26 f. (not always convincing); Busolt-Swoboda, 296, 1127, 1151, 1263, 1357; Glotz, Histoire II, 164, 169, 190 f., 197, 203, 376; H. G. Robertson, 'The Administration of Justice in the Athenian Empire,' University of Toronto Studies. History and Economics IV 1 (1924), 36 f.; A. Steinwenter, 'Die Streitbeendigung nach griechischem Recht.' Muench. Beitr. zur Papyrusf. und Rechtsgesch. 8 (1925), 74 f.; Schaefer, Staatsform, 87, 155 f.; H. Schaefer, Hermes 71 (1936), 136 f.; F. Schehl, Oesterr. Jahresh. 27 (1932), 125 f.; Nesselhauf, 134;

H. U. Instinsky, 'Die Abfassungszeit der Schrift vom Staate der Athener.' Phil. Diss. Freiburg 1931 (1933), 16, 18, 33; J. H. Oliver, *Transact. and Proceed.* 66 (1935), 190 f.; H. T. Wade-Gery, *Annual Brit. School at Athens* 33 (1935), 113 f.; Heuss, *Stadt und Herrscher*, 5, 11; E. Schweigert, *Hesperia* 6 (1937), 317 f.; F. Hampl, 'Poleis ohne Territorium.' *Klio* 32 (1939), 8 f., 50.

69). Cp. Usteri, 26 on Arist., *Ath. Pol.*, XLV, I. Antiphon, *Περὶ τοῦ Ἡρώδου φόνου*, 47 indicates that there existed similar regulations for Mytilene.

70). I.G. I², 39 lines 71-76:

Τὰς (δ) ἐ εὐθύνας Χαλκιδεῦ(σ)ι κατ-
ὰ σφόν αὐτὸν ἐναι ἐν Χαλκίδι, καθάπερ Ἀθ-
ένεσιν Ἀθηναίοις πλὴν φυγες καὶ θανάτ-
ο καὶ ἀτιμίας, περὶ δὲ τοῦτον ἔφεσιν ἐνά-

75 ι Ἀθέναζε ἐς τὲν ἐλιαίαν τὲν τὸν θεσμοθ-
ετον κατὰ τὸ φσέφισμα το δέμο — —

Similar provisions were probably made in lines 7-10 of I.G. I², 10, a very fragmentary Athenian decree of B.C. 412/1 which regulates Samian legal problems.

71). Usteri, 29 X. Cp. also M. H. E. Meier-H. F. Schoemann-H. Lipsius, 'Der attische Prozess' (1883/87), 259 note 154.

72).

— — ὁμόσαι δὲ Χαλκιδέον τὸς ἔθοντ-
ας ἅπαντας, ὃς δ' ἅμ μὲν ὁμόσει ἄτιμον αὐτ-
ὸν ἐναι καὶ τὰ χρέματα αὐτο δεμόσια καὶ
35 το Διὸς τὸ Ὀλυμπίον τὸ ἐπιδέκατον ἱερὸ
(v) ἔστο τον χρεμάτον — —

73). I.G. II², 28=Syll. 3, 136 lines 11-13:

καὶ μὴ ἐξεῖναι τῷ(ι) δήμῳ τῷ Ἀθηναίων μῆτε τ-
οὺς φεύγοντάς κατάγειν ἅ(νευ τοῦ δήμου τοῦ Κλαζομε-
νίῳ μῆτε τῷ μενόντῳ μῆδ(ἐνά ἐξαιρεῖν.)

Cp. Usteri, 89; Busolt-Swoboda, 1229, 1364; Highby, 25; C. J. Cadoux, 'Ancient Smyrna' (1938), 92.

74). I.G. II², 43—S.E.G. III, 74—Syll. 3, 147:

— — — ,Εὰν δέ τ-

ις εἴπηι ἢ ἐπιψηφίσῃ ἢ ἀρχῶν ἢ ἰδιώτη-
ς παρὰ τόδε ψήφισμα, ὥς λύειν τι δεῖ τ-
ῶν ἐν τῷδε τῷ ψηφίσματι εἰρημέν(ων, ὁ-

- 55 παρχέτω μ(έν) αὐτῶι ἀτίμῳι εἶναι καὶ (τὰ)
 (χρ)ήματα(τα αὐτ)ο δημόσια ἔστω καὶ τῆς (θεο)
 (τ)ὸ ἐπιδ(έκα)τον. Καὶ κρινέσθω ἐν Ἀθην(αί-)
 (ο)ις καὶ τ(οῖς) συμμάχοις ὡς διαλύων τῇ(ν)
 συμμαχία(ν. Ζ)ημιόντων δὲ αὐτὸν θανάτω-
 60 ι ἢ φυγῇ ὃ(περ) Ἀθηναῖοι καὶ οἱ σύμμαχο-
 ι κρατόσι(ν. Ἐάν) δὲ θανάτο τιμηθῇ, μὴ τα-
 φήτω ἐν τῇ(ι Ἀττι)κῇ (μ)ηδὲ ἐν τῇ τῶν συμ-
 μάχων — — —

Cp. J. Lipsius, 'Beitraege zur Geschichte griechischer Bundesverfassungen. I: Der athenische Seebund.' Sitz. Saechs. Gesellsch. der Wiss. Phil.-Hist. Kl. 4 (1898), 154 f.; Usteri, 90 (differing view); F. H. Marshall, 'The Second Athenian Confederacy' (1905), 18; Busolt-Swoboda, 1360 f.; V. Ehrenberg, 'Zum zweiten Attischen Bund.' Hermes 64 (1929), 322 f.; Glotz, Histoire III, 124 note 20; H. G. Robertson, 'The Administration of Justice in the Second Athenian Confederacy.' Class. Phil. 23 (1928), 30 f.; Schaefer, Staatsform, 91 f., 241; H. Schaefer, Hermes 71 (1936), 135 f.; Hampl, 117 f., 131 f.; Laqueur, 40 f.; Billheimer, 457 f.

75). A similar survival and, at the same time, mitigation of earlier practice can be found in the Athens of B.C. 411, when the γένη of Antiphon and his nearest partisans were declared ἄτιμοι, instead of being exiled. Cp. Kahrstedt, Studien I, 119 who sees one side of the problem, and Friedel, 22 who stresses the other.

76). I.G. II², 111—Syll. 3, 173—Michel, 95 lines 41 and 42: --φεύγειν αὐτὸς (Κ)έω (καὶ) Ἀθήνας καὶ τὴν οὐσίαν αὐτῶ ν δημοσίαν εἶναι τοῦ δή(μο) τοῦ Ἰουλιητῶν — — —

Cp. also lines 27 f. and 58 f. of this inscription, and Laqueur, 179 f.; Billheimer, 479 f.; A. Steinwenter, Die Streitbeendigung im griechischen Rechte.' Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch. 8 (1925), 74 f.; Kahrstedt, Studien II, 211 f.

77). Usteri, 94.

78).

— — — ὁ μνησικακήσω

(τῶ)ν πα(ρ)εληλυθότων πρὸ(ς) Κείος . οὐ(δε)νός, οὐδὲ
 (εἰων) ὁ(δ)ενα οὐδὲ φυγάδα ποιήσω τῶν ἐμμενόντων
 (ις καὶ τ)αῖς συνθήκαις ταῖσδε.
 ἀποκτενῶ Κ-
 τοῖς ὄρκο-

This formula was, perhaps, influenced by the wording of the Athenian amnesty decree of B.C. 403. Cp. notes 241-249.

79). I.G. II², 24 b lines 3-6:

(Καί) ἐάν τις ἀποκτε(ίνη)ι Ἀρχ(ιππον ἢ Ἰππα-) (ρχον τ)ὸν Ἀρχίππο ἀδελ(φόν), φεύγ(εν τὴν πόλιν)
5 (τ)ὴν Ἀθηναίων καὶ τὰ(ς ἄλλ)ας πό(λες, ὅποσαι Ἀθ-) ηναίων ἐσὶν σύμμαχο(ι.....).

Cp. also I.G. II², 25 = Hesperia 10 (1941), p. 262 No. 66; S.E.G. III, 72, and Laqueur, 102; Billheimer, 473 f.; Kahrstedt, Studien I, 95; Friedel, 19; W. Kolbe, Hermes 73 (1938), 262 f.; Pope, 72.

80). The exact text of this psephism, several versions of which can be found in our authorities, is doubtful. We accept Demosth. XXIII 97 (619/620): Ἐάν τις ἀποκτείνει Χαρίδημον, ἀγώγιμος ἔστω ἐξ ἀπάσης τῆς συμμαχίδος, ἐάν δέ τις τὸν ἀγόμενον ἀφέληται ἢ πόλις ἢ ιδιώτης, ἔκσπονδος ἔστω.

Cp. L. Vorndran, 'Die Aristocratea des Demosthenes,' Rhetor. Stud. 11 (1922), passim and especially, 19 f., 50 f.; Pope, 38; P. Cloché, 'Athènes et Kersobleptès de 357/6 à 353/2,' Mélanges Glotz I (1932), 215 f.; Glotz, Histoire III, 183 f.; H. W. Parke, 'Greek Mercenary Soldiers' (1933), 125 f., 146 f.; W. Kolbe, Hermes 73 (1938), 262 f.; R. E. art. Charidemus (5); A. P. Dorjahn-J. F. Cronin, 'Outside Influence on Athenian Courts,' Philol. Quart. 17 (1938), 18 f.

81). I.G. II², 222 = Michel, 1462 = Syll.³, 262 lines 31-35:

Εἰὰν δέ τι(ς)

(ἀπο)κτ(εί)νε(ι) Πεισιθείδην, πολέμ(ι-)

(ος ἔσ)τω τῶι δῆμῳι τῶι Ἀθηναίων κ(α-)

(ὶ ἢ πό)λ(ις) ἡ ὑποδεξαμένη τὸν ἀποκ(τ-)

35 (εἶναντα) — — —

Cp. for this text Laqueur, 43 f.; Billheimer, 458; Pope, 26, 73 f., and for its date F. R. Wuest, 'Philipp II, von Makedonien (1938), 52.

82). The small fragment I.G. II², 73 seems to have a similar sanction as I.G. II², 24 b. Cp. for the customary formula of the fourth century B.C. ἐάν δέ τις τὸν Δεῖνα ἀποκτείνει, εἶναι τὰς αὐτὰς τιμωρίας αἵπερ ὑπὲρ Ἀθηναίων and the earlier one ἐάν δέ τις τὸν Δεῖνα ἀποκτένει ἐν τον πόλεον ὃν Ἀθηναῖοι κρατοσι, τὲν τιμορίαν ἐναι καθάπερ ἐάν τις Ἀθηναῖον ἀποθάνει — — — — —

or similar provisions I.G. I², 28=S.E.G. III, 6 lines 7 f.; I.G. I², 56=Syll.³, 54 lines 14 f.; I.G. I², 143 and 144 (cp. A. Wilhelm, 'Attische Urkunden IV.' Sitz. Wien. Akad. 1939 (1940), 17 f., 25 f.; B. L. Meritt, *Hesperia* VIII (1939), 65 f.; X (1941), 315 f., 328 f.); I.G. I², 154 lines 9 f. (cp. Wilhelm, op. cit., 33 f.; B. D. Meritt, *Hesperia* X (1941), 330 f.); L.G. II², 226=Syll.³, 228 lines 34 f. (cp. H. Schaefer, *Hermes* 71 (1936), 135); *Hesperia* VII (1938), 275 No. 10 (cp. B. D. Meritt, *Hesperia* X (1941), 336 f.).

83). For severe non-political crimes and for instigation to them, even murder of non-citizens, manslaughter and similar serious offences, exile was the legal punishment in Athens and elsewhere in Greece. Even the murderer of an Athenian, except a parricide, could leave the city unhindered into voluntary exile, before the proceedings against him had reached a decisive stage. The murder of an Athenian in the towns of the first Athenian Empire was, as a rule, punished by a fine of five talents (I.G. I², 28=S.E.G. III, 6 line 10; Bekker, *Anecd.* I, 194, II; Demosth. XXIII, 72, 88/9; cp. P. Roussel, *Mélanges Glotz* II. (1932), 817).

Cp. for these questions especially G. Busolt, 'Griechische Geschichte' (1895)², 232 f.; Weiss, 204; K. Latte, *Hermes* 66 (1931), 141 f.; A. P. Dorjahn, 'Extenuating Circumstances in Athenian Courts.' *Class. Phil.* 25 (1930), 162 f.; Daube, 50 f., 179 f. Cp. also in addition Usteri, 5 f., 65 f.; A. Steinwenter, 'Die Streitbeendigung im griechischen Rechte.' *Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch.* 8 (1925), 119 f.; G. Mathieu, 'Dikaios d'Athènes.' *Rev. des Et. Anc.* 33 (1931), 97 f.; Ranulf I, 7 f., 102; C. Lécivain, 'Notes de Droit Pénal Grec.' *Mélanges Glotz* II. (1932), 527 f.; P. Roussel, *Remarques sur un discours d'Antiphon.* *Mél. Glotz* II (1932), 813 f.; P. Roussel, 'L'amende de Chios.' *Rev. des Et. Anc.* 35 (1933), 385 f.; A. H. Chase, 'Plato's Laws and Athenian Institutions.' *Harvard Stud. in Class. Phil.* 44 (1933), 169 f.; Kahrstedt, *Studien* I, 91 f., 95 f.; U. Kahrstedt, 'Untersuchungen zu athenischen Behoerden.' *Klio* 30 (1937), 10 f.; G. R. Morrow, 'The Murder of Slaves in Attic Law.' *Class. Phil.* 32 (1937), 210 f.; Diller, 132, 139.

84). H. Swoboda, 'Beitraege zur griechischen Rechtsgeschichte.' *Zeitschr. Sav. Stift. Rom. Abt.* (1905); 188.

85). For Anaxagoras who seems to have been accused of παρὰ νόμων, of ἀσέβεια and perhaps μηδισμός Cp. note 66, and especially Usteri, 65 f.; H. Diels-W. Kranz, 'Fragmente der Vorsokratiker' II³ (1935), 5 f., and for the γραφή παρὰ νόμων P. Cloché, 'Remarques sur l'emploi de la graphè paranomon.' *Rev. des Et. Anc.* 38 (1936), 401 f.; Bonner-Smith II. index s.v. γραφή παρανόμων. Andocides seems to have been exiled in consequence of an accusation παραπρεσβείας; cp. note

107. Other cases of banishment or voluntary exile on account of political accusations of ἀσέβεια in Athens are that of Protagoras and of Diagoras of Melos during the Peloponnesian War, and of Aristotle after the death of Alexander the Great in B.C. 323; cp. Diels-Kranz, op. cit. II⁵ (1935), 253 f.; Athen. XV, 696 b; Diog. Laert V, 5; Usteri, 42; R. E. art. Diagoras (2); J. S. Morrison, 'The Place of Protagoras in Athenian Public Life.' *Class. Quart.* 35 (1941), 1 f. The Syracusans similarly banished Diocles, their lawgiver, for ἀσέβεια in B.C. 409/8 because he had advised against the burial of citizens (Diod. Sic. XIII, 75, 5). In Sparta King Cleomenes I fled into voluntary exile because he had been accused of bribing the Pythia of Delphi (Hdt. VI, 74).

86). Arist., *Ath. Pol.*, XLIII, 5. Cp. R. E. art. Hyperbolos; Glotz, *Histoire* II, 673 f.; Carcopino, 191 f. and index s.v. Hyperbolos; H. Neumann, *Klio* 29 (1936), 36 f.

87). Thuc. I, 103, 1. Cp. Usteri, 81. Already much earlier the Persians had used similar methods against the Greeks of Asia Minor (Hdt. VI, 43). Miltiades, himself a refugee from Persian territory, similarly expelled barbarian Pelasgi from Lemnos (Hdt. VI, 139), also note 103.

88). Cp. also Schaefer, *Staatsform*, 151 f., 164 f.

89). Plut. *Pericl.*, XX, 2; XXIII, 2 Cp. H. U. Instinsky, 'Die Abfassungszeit der Schrift vom Staate der Athener.' *Phil. Diss. Freiburg* 1931 (1933), 18; F. Hampl, *Klio*, 32 (1939), 20, 38.

90). Thuc II, 27; 70, 3; Antiph., V, 77. Cp. Usteri, 81; G. XII Suppl. p. 63.

91). Thuc. IV, 106. Cp. J. Papastauru, 'Amphipolis.' *Klio Beih.* 37 (1936), 17.

92). I.G. I², 101; Xenoph., *Hell.*, II, 3, 6. Cp. Usteri, 81 f.; Diller, 109; Pope, 72.

93). Diod. Sic. XIV, 6, 1; Plut., *Lysand.*, XXVII.

94). Diod. Sic. XIV, 82, 6. Cp. R. E. art. Herakleia (4).

95). I.G. II², 33 (Thasos); Diod. Sic. XV, 46, 5/6; Paus. IX, 1, 7; Isocr. XIV, 46 (Plataeae). Cp. Usteri, 82; Diller, 109; Pope, 72.

96). Syll. ³, 173=I.G. II², 111 lines 41/2. Cp. Usteri, 82; A. Passerini, *Athenaeum* 8 (1930), 281 f.; Pope, 73.

97). Syll. ³, 167: 169. Cp. also Highby, 24; Passerini, *Athenaeum* 8 (1930), 292.

98). Syll. ³, 194=Michel, 324. For pro-Athenian refugees from Olynthus and Abdera cp. I.G. II², 211 (c. B.C. 348); 318 (B.C. 345).

99). Diod. Sic. XVIII, 38 and 56/7. Cp. F. R. Wuest, 'Philipp II. von Makedonien' (1938), 163 f. For Acarnanian refugees of this period cp. also note 201.

100). (Demosth.), XVII, 15; Syll. ³, 283; I.G. XII Suppl. p. 33 No. 526=O.G. I.S. 8; Arrian., *Anab.*, I, 10, 6. Cp. F.

Schehl, *Oesterr. Jahresh.* 27 (1932), 137; Passerini, *Athenaeum* 8 (1930), 283 f.; Glotz, *Histoire* IV. 1 (1938), 77 f., 89 f.; A. Heuss, *Hermes* 73 (1938), 138; Friedal, 68ft., 72 f.

101). To understand the civic troubles in the Greek towns from the seventh to the fourth centuries B.C. which led to banishment and voluntary flight, requires a complete survey of the history of these periods; but nevertheless we would not be able to learn much of the legal aspects of the problems which we are considering in this book. A few bibliographic references will be sufficient. Cp. for the facts and for Greek revolutionary ideology G. Heintzeler, 'Das Bild des Tyrannen bei Platon.' *Tuebing Beitr. zur Altertumswiss.* 3 (1927); A. Passerini, 'Riforme sociale e divisione di beni.' *Athenaeum* 8 (1930), 273 f.; R. von Poehlmann-F. Oertel, 'Geschichte der sozialen Frage und des Sozialismus in der antiken Welt' ³ (1925); Schaefer, *Staatsform*, 147 f.; Th. Lenschau, 'Forschungen zur griechischen Geschichte des VII. and VI. Jahrhunderts v. Chr.' *Philologus* 91 (1937), 278 f., 385 f.; Friedel, *passim*; F. M. Heichelheim, 'Wirtschaftsgeschichte des Altertums' (1938), 282 f., 394 f., 1023 f., 1054 f.; M. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941), 96 f. Cp. in addition for special questions B. Lenk, 'Die Tyrannen von Herakleia am Pontus.' *Mitteil. des Ver. Klass. Phil. Wien* 4 (1927), 77 f.; 5 (1928), 13 f.; C. W. Bowra, 'Greek Lyric Poetry' (1936), 146 f., 187 f.; C. W. Bowra, 'Early Greek Elegists' (1938), 139 f.; G. M. Tucker, 'Empedocles in Exile.' *Class. Rev.* 45 (1931), 49; W. Huettl, 'Verfassungsgeschichte von Syrakus' (1929); Kahrstedt, *Staatsr.*, 44; P. Poralla, 'Prosopographie der Lakedaimonier bis auf die Zeit Alexanders des Grossen' (1913), s.v. Ἀλκιππος, Ἀριστοκλῆς, Γύλιππος, Δαμάρατος, Δωριεύς, Ἰππονοίδας, Κλεανδρίδας, Κλέαρχος, Κλεομένης, Λεωτυχίδας, Πασιππίδας, Πausανίας, Πλειστοάναξ.

102). *Syll.* ³, 136=I.G. II², 28=Michel, 83; *Syll.* ³, 173=I.G. II², 111=Michel, 95. Cp. also pope, 73.

103). *Syll.* ³, 175-178. Political refugees fled similarly before the Persians to friendly towns. Cp. note 87 and for the flight of the Milesians to Sybaris *Hdt.* V, 90, for that of the Teians to Abdera *Hdt.* VII, 109.

104). Cp. H. W. Parke, 'Greek Mercenary Soldiers from the Earliest Times to the Battle of Ipsus' (1933); G. T. Griffith, 'The Mercenaries of the Hellenistic World' (1935).

105). *Xenoph. Anab.* I, 1, 9.

106). *Xenoph. Anab.* I, 1, 10. Xenophon himself was condemned to exile by the Athenians in his absence, probably because he had volunteered to fight against the Persian King, at this time a political friend of Athens. Cp. *Xenoph., Anab.* V, 3, 7; VII, 7, 57; *Paus.* V, 6, 5; *Dio Chrys., or.* VIII; *Diog. Laert.* II, 6, 51. Cp. also Kahrstedt, *Studien* I, 99 f., 103.

107). Cp. F. Blass, 'Die attische Beredsamkeit' ¹² (1887), 280 f., 562 f.; G. Dalmeyda, 'Les dénonciations et les aveux d'Andocide.' R.E.G. 40 (1927), 183 f.; R. J. Bonner, 'Lawyers and Litigants in Ancient Athens' (1927), 8 f.; Bonner-Smith, II index s.v. Andocides; Ranulf II, 59; P. Cloché, 'Remarques sur l'emploi de la graphè paranomon.' Rev. des Et. Anc. 38 (1936), 401 f.; Kahrstedt, Studien I, 92, 111; A. P. Dorjahn-J. F. Cronin, 'Outside Influences on Athenian Courts.' Philol. Quart. 17 (1938), 18 f.; F. Laemmli, 'Das attische Prozessverfahren in seiner Wirkung auf die Gerichtsrede.' Rhetor. Stud. 20 (1938), 17 f., and now especially K. von Fritz, 'Atthidographers and Exegetae.' Transact. and Proceed. 71 (1940), 102 f.

108). And. I, 145.

109). And II, 10.

110). And. II, 14-15.

111). And. De pace. arg.; (Plut.), Vit. decem. orat. Andoc. 9, p. 835 a.

112). And. II, 10. "Εγνων ἡδιστον εἶναι πράττειν τε τοιαῦτα καὶ διαιτᾶσθαι ἐκεῖ, ὅπου ἡκιστα μέλλοιμαι ὀφθῆσεσθαι ὑφ' ὁμῶν.

113). R. E. art. Leokrates (2); A. Schaefer, 'Demosthenes und seine Zeit' III² (1887), 217 f.; Blass, op. cit. III 2² (1898), 111 f. P. Treves, 'Un' interpretazione della Leocratea.' Riv. di Fil. N.S. 11 (1933), 315 f.; A. P. Dorjahn-J. F. Cronin, Philol. Quart. 17 (1938), 18 f.

The change from active polis ideology to secret and open world citizenship originated in the upper class of the Greek metics of the later fifth century B.C., as Ferckel, 'Lysias und Athen' (1937) has proved. This book, which contains sound philological interpretations of Lysias, makes it clear how the ideological difference between Athenian citizens and metics originated from their class difference. The arguments of Ferckel are remarkably marxistic, and a few Hitlerite phrases scarcely disguise this author's true ideology.

114). Lycurg., In Leocr. 16; 39-44; Demosth. XVIII, 248; Dinarch. I, 78 f.; Aeschin. III, 27, 31; (Plut.), Vitae decem orat.; Demosth. p. 845 f.

115). Lycurg., In Leocr. 17.

116). Lycurg., In Leocr. 14; 18-19.

117). Lycurg., In Leocr. 21, 25.

118). Lycurg., In Leocr. 45.

119). Lycurg., In Leocr. 8.

120). Lycurg., In Leocr. 59.

121). Lycurg., In Leocr. 60.

122). Aeschin. III, 252.

123). Lycurg., In Leocr. 17.

124). Lycurg., In Leocr. 63/64.

125). Dinarch. I, 58. Cp. A. Schaefer, 'Demosthenes und seine Zeit.' III² (1887), Index s.v. Polyeuctos der Kydantide; A. P. Dorjahn, 'Extenuating Circumstances in Athenian Courts.' *Class. Phil.* 25 (1930), 169; Glotz, *Histoire* IV 1, 220.

126). (Demosth.) XVII; I.G. II², 236=Syll.³, 260. Cp. the bibliography of F. M. Heichelheim, *Bursians Jahresberichte* 250 Suppl. (1935), 241 f., and in addition G. Glotz, 'The Greek City' (1929), 379 f.; Glotz, *Histoire* III, 370 f.; M. Segré, *Historia* 5 (1931), 443 f.; A. Passerini, *Athenaeum* 8 (1930), 283 f.; F. Granier, 'Die makedonische Heeresversammlung.' *Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch.* 13 (1931), Index s.v. Korinthischer Bund; Schaefer, *Staatsform*, 82, 249 f.; P. Treves, 'Demostene e la Libertà Greca' (1933), 35 f.; A. Momigliano, 'Filippo il Macedone' (1934), 163 f.; P. Zancan, 'Il monarchato Ellenistico nei suoi elementi federativi' (1934), 4 f.; H. Bengtson, 'Die Strategie in der hellenistischen Zeit.' *Muench. Betr. zur Papyrusf. und ant. Rechtsgesch.* 26 (1937), 3 f., 45 f.; H. O. Raue, 'Untersuchungen zur Geschichte des Korinthischen Bundes.' *Phil. Diss. Marburg* (1937); *Hampl*, 34 f., 89 f., 134 f.; Heuss, *Stadt und Herrscher*, 155 f.; A. Heuss, *Hermes* 73 (1938), 171 f.; M. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941), 140, 153 f., 1347, 1355, 1368; H. Kelsen, 'The Philosophy of Aristotle and the Hellenic-Macedonian Policy.' *International Journal of Ethics* 48 (1937/8), 1 f.

The Hellenic League was revived by Antigonos Monophthalmus and Demetrius Poliorcetes in B.C. 302. The text of its new constitution is preserved in I.G. IV 1², 68. It has also an important bearing upon that of the first Corinthian League because many of the earlier provisions were imitated and even repeated verbatim. Cp. with full bibliography Rostovtzeff, *op. cit.*, 15 f., 1315, and in addition *Hampl*, 59, 113 f.; E. Schweigert, *Hesperia* 8 (1939), 35 f. No. 9; 9 (1940), 348 f.

127). (Demosth.) XVII, 16: "Ἔστι γὰρ γεγραμμένον. ἐκ τῶν πόλεων τῶν κοινωνουσῶν τῆς εἰρήνης μὴ ἐξεῖναι φυγάδας ὁρμήσαντες ὄπλα ἐπιφέρειν ἐπὶ πολέμῳ ἐπὶ μηδεμίαν πόλιν τῶν μετεχουσῶν τῆς εἰρήνης. Εἰ δὲ μὴ ἔκσπονδον εἶναι τὴν πόλιν ἐξ ἧς ἂν ὁρμήσωσι.

128). Cp. R. E. art. Pelopidas, Thrasybulos (3). The Thirty Tyrants had tried to outlaw the banished democrats from the whole of Greece with the help of the Lacedaemonians; but many democratic towns were too proud and too far-sighted to refuse hospitality and protection to political friends in need. Cp. Busolt-Swoboda, 914 note 4. How dangerous political exiles were to their home towns in a crisis may be concluded from Aen. *Tact.* IV, 1 f. and X, 6 f.

129). (Demosth.), XVII, 10: "Ἔστι γὰρ νεγγραμμένον. ἐάν τινες τὰς πολιτείας τὰς παρ' ἐκάστοις οὔσας, ὅτε

τοὺς ὄρκους τοὺς περὶ τῆς εἰρήνης ὤμνυσαν, καταλύσῃσι, πολεμίους εἶναι πᾶσι τοῖς τῆς εἰρήνης μετέχουσι.

130). (Demosth.), XVII, 19: "Ἔστι γὰρ δήπου ἐν ταῖς συνθήκαις τὴν θάλατταν πλεῖν τοὺς μετέχοντας τῆς εἰρήνης καὶ μηδένα κωλύειν αὐτοὺς μηδὲ κατάγειν πλοῖον μηδενὸς τούτων. Ἐὰν δέ τις παρὰ ταῦτα ποιῇ, πολέμιον εἶναι πᾶσι τοῖς τῆς εἰρήνης μετέχουσιν.

131). Cp. note 269.

132). Plut., *Apopht.* Lacon. p. 221 a. Most likely the Thebans, too, were considered ἐναγεῖς because they had rebelled against Alexander, the son of a god. Cassander and other diadochs who did not closely connect themselves with Alexander's policy removed subsequently the curse from Thebes and rebuilt the town. Cp. G. De Sanctis, 'Una lettera a Demetrio Poliorcete.' *Riv. di Fil. Class.* N.S. 9 (1931), 330 f.; P. Treves, 'Jeronimo di Cardia e la politica di Demetrio Poliorcete.' *Riv. di Fil. Class.* N.S. 10 (1932), 194 f. Cp. also note 270.

133). Diod. Sic. XVII, 109.

134). Cp. R. E. art. Aratos of Sikyon, Deinarchos (1), Demetrios (85) of Phaleron, Kleomenes (6) of Sparta, Lachares (1), Sikyon; Usteri, 79 f.; W. H. Porter, 'Aratus of Sikyon and King Antigonos Gonatas.' *Hermathena* 20 (1930), 293 f.; M. A. Levi, 'Arato e la liberazione di Sicione.' *Athenaeum* N.S. 8 (1930), 508 f.; F. W. Walbank, 'Aratus of Sicyon' (1933); Friedel, 82 f., 98 f.; M. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941), 614, 1340; Glotz, *Histoire* IV. 1, 274, 292 f., 328 f., 363 f.

135). Cp. especially the standard work of Rostovtzeff, *op. cit.*, *passim*, and A. H. M. Jones, 'The Greek City from Alexander to Justinian' (1940), *passim*. Heuss, *Stadt und Herrscher* has not achieved his end. He has neither surveyed the complete material and the more recent corrections of important inscriptions, nor are his interpretations final owing to careless translation.

136). Cp. the dictionaries s.v. for μετανάστης, ξένιος, ξένος, (Homeric period), κατοικέω, κατοικίζω, μετοικέω, μετοίκησις, μετοικία, μετοικικός, μετοίκιον, μετοίκιος, μέτοικος, μετοικοφύλαξ, ξενηλασία, ξενηλατέω, ξενία, ξενικός, ξενοδίκαι, ξενώω, παροικέω, πάροικος (Classical period), κατοικία, κατοικικός, κάτοικος, μετοικεσία, μετοικέσιον, μετοικίς; μετοίκησις, μετοικισμός, μετοικιστής, ξενοφύλαξ, παρεπιδημέω; παρεπιδημία, παρεπιδημος, παροικεσία, παροίκησις, παροικία, παροικικός; πολίτευμα

(Hellenistic and Roman periods). Cp. also Schaefer, *Staatsform*, 13 f. (not always reliable in his interpretations).

137). The best monographs on the Greek μετοικία are U. von Wilamowitz-Moellendorf, 'Demotica der attischen

Metoeken.' *Hermes* 22 (1887), 107 f., 211 f.; M. Clerc, 'Les méteques athéniens' (1893); R. E. art *Metoikoi* (H. Hommel). Cp. in addition H. Francotte, 'Mélanges de droit public grec.' (1910), 202 f.; Phillipson, 39, 122 f., 136 f., 157 f., 180 f., 208 f.; Busolt-Swoboda, 292 f.; P. Vinogradoff, 'Outlines of Historical Jurisprudence' II (1922), 95 f., 201; P. Gebhardt, 'Die attische Métoikie im 4. Jahrhundert.' *Phil. Diss. Königsberg* (1936); Kahrstedt, *Staatsr.*, 53 f.; Kahrstedt, *Studien I* index s.v. *Metoiken*; Kahrstedt, *Studien II*, 205 f., 223, 317; U. Kahrstedt, 'Nautoidiken und Xenodiken.' *Klio* 32 (1939), 148 f.; Schaefer, *Staatsform*, 13 f., 45 f., 52 f., 102; V. Ehrenberg, *Zeitschr. Savigny Stift. Rom. Abt.* 53 (1933), 533 f.; A. M. Andreades, 'History of Greek Public Finance' (1933), index s.v. *metics*; A. W. Gomme, 'The Population of Athens in the Fifth and Fourth Centuries B.C.' (1933), 19 f.; Schlesinger, 42 f.; Diller, 114 f., 161 f.; Pope, 42 f.; H. U. Instinsky, 'Die Abfassungszeit der Schrift vom Staate der Athener.' *Phil. Diss. Freiburg* 1931 (1933), 27 f.; Ferckel, *passim*; L. Gernet, 'Sur les actions commerciales en droit athénien.' *R.E.G.* 51 (1938), 11 f.; F. M. Heichelheim, 'Wirtschaftsgeschichte des Altertums' (1938), 398 f., and notes 27 and 47 of chapt VI; Michell, 144 f.; G. Thomson, 'Aeschylus and Athens' (1941), index s.v. *Metoikoi*; M. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941); index s.v. *metics*.

138). Τοῦ μὲν ξένου πλεόν τι ἔχων, τοῦ δὲ πολίτου ἔλαττον (*Herennius Philo*, *Περὶ διαφόρων σημαινόμενων* in *Ammon.*, *Περὶ ὁμοίων καὶ διαφόρων λέξεων* p. 75 (ed. Valckenaer, 1822) s.v. *ἰσοτελῆς καὶ μέτοικος*) Cp. also Pope, 43 f.

139). Cp. Schlesinger, *passim*; F. Altheim, 'Roemische Religionsgeschichte' II (1932), 50 f.; F. Altheim, 'A History of Roman Religion' (1938), 255 f.; Diller, 116; Daube, 74 f. Cp. also for 'the beginnings of ξενία' V. Ehrenberg, 'Die Rechtsidee im fruehen Griechentum' (1921), index s.v. *Gastrecht*; Kahrstedt, *Staatsr.* 374, 376.

140). *Hermes* XXII (1887), 219, 246.

141). Clerc, *op. cit.*, 304. Cp. also Kahrstedt, *Studien I*, 327.

142). *Aesch. Suppl.*, 365 f., 483 f., 609 f., 957; *Aesch. Eumen.*, 1011, 1018, 1044; *Paus.* III 5, 6/7; 7, 9/10; Michel, 194=Schwyzer, 415; *S.E.G.* IX, 72 section 17 lines 29 f.; section 19 line 50; *Hom. Od.* XV, 272 f. Cp. Schlesinger, 42 f.; Daube, I, 74, 81, 85; G. Thomson, *op. cit.*, 34 f., 73 f., 295, 300 f., 435. Cp. also note 6.

143). *Schol. Aristoph. Ran.*, 416; *Ar. Byz.* ed. Nauck, fragm. 38. Cp. Clerc, *op. cit.*, 249 f. Cp. for the prostates of the metics in Athens Phillipson, 163 f.; Kahrstedt, *Studien I*, 302

f.; Ferckel, 76 f.; Diller, 122, 130 f. Similar regulations probably existed in Eretria and Locris. Cp. *Hesperia* 5 (1936), 277 line 4; Syll.³, 47= Tod, 24.

144). Suidas, s.v. πωλητής.

145). Poll. III, 55; Harpocr. s.v. μετοίκιον; Suidas, s.v. μετοίκιον; Bekker, Anecd., 281, 19; Schol. Plat. Resp., 156, 29; Leg., 418, 14; Hesych., s.v. μετοίκιον and μέτοικοι; Schol. Aristoph. Pax, 296.

146). I.G. II, 574 b=I.G. II², 1186. Cp. Diller, 133; Michell, 147, 375.

147). Thuc. II, 13, 7; II, 31, 1; IV, 90; Xenoph. Vect. II, 2-3. Cp. Busolt-Swoboda, 297 note 2; Diller, 134.

148). Thuc. VII, 13, 3; VII, 63, 3; I.G. II², 1951; Demosth. IV, 36. Cp. Diller, 135.

149). (Xenoph.), Ath. Pol. I, 10-12; Thuc. I, 143, 1; III, 16; Xenoph., Hell. I, 6, 24; Demosth. IV, 36. Cp. also H. U. Instinsky, 'Die Abfassungszeit der Schrift vom Staate der Athener.' Phil. Diss. Freiburg 1931 (1933), 27 f.

150). Cp. for Athens and similar regulations in other Greek towns Clerc, op. cit., 80 f.; Weiss, 174 f.; Diller, 129 f.; Kahrstedt, Staatsr., 354 f.

151). In inscriptions Athenian metics are occasionally classed as γεωργοί; but this more likely means that they were farm workers than that they were farmers or peasants. I.G. II², 10; 1553; 1554 A; 1556 B; 1559 A; 1566 line 18; 1570. Cp. M. N. Tod, Annual Brit. School at Athens 8 (1902), 205; Michell, 145 note 3; Diller, 163 f. (list of Athenian metics).

152). Diller, 95 f.

153). Cp. for ἔγκτισις γῆς καὶ οἰκίας I.G. II², 554 line 29, and for further examples R.E. art. Enktesis; Pope, 43 f.

154). Most important were the ἰσοτέλεια, i.e., the right στρατεύεσθαι στρατείας καὶ εἰσφέρειν εἰσφοράς μετ' Ἀθηναίων and the ἀτέλεια τοῦ μετοικίου. Other rare privileges of minor economic and political importance were ἐπιγᾶμια and δίκαι πρὸς τὸν πολέμαρχον. Exceptional honours were πρόσδοδος εἰς τὴν βουλὴν καὶ τὸν δῆμον and ἀτέλεια πάντων. Cp. R. E. art. Isoteleia, Metoikoi (col. 1421); E. Szanto, 'Griechisches Buergerrecht' (1892), 67; Pope, 44 f., 49; Diller, 136 f., 117 f.

A much discussed and difficult section of the Athenian decree for Chalcis, I.G. I², 39=Syll.³, 64= Tod, 42 lines 52-57, seems to indicate that metics who had received ἰσοτέλεια in Athens were even free from local taxes when they had emigrated to Chalcis and probably to many other towns of the first Delian League.

155). Cp. notes 192-204, and Diller, 105 f.; Kahrstedt, Studien I, 70, 86 f.

156). On the other hand, the participation of Athenian metics in this and other religious festivals, and in Athenian cults, was limited. Cp. Diller, 124 f.

157). Cp. Heuss, *Stadt und Herrscher*, 209.

158). Cp. notes 23, 24 and 31.

159). Cp. notes 127 and 128.

160). The earliest references to this institution are found in Hdt. VIII, 136 and in a recently discovered inscription (W. Wallace, 'An Eretrian Proxeny Decree.' *Hesperia* 5 (1936), 273 f.=I.G. XII Suppl. p. 177 No. 549). For the evidence of the more important of the later inscriptions cp. Syll. ³, IV, p. 535 f. s.v.; Pope, 48 f., 75. There is no recent monograph on the Greek proxenia. Cp. P. Monceaux, 'Les proxénies grecques' (1886), *passim* (antiquated and incomplete, but not superseded); Daremb.-Saglio, 'Dict. des Antiq.', IV, 732 f., and for special questions Phillipson, 148 f.; Busolt-Swoboda, index s.v. Proxenia; V. Ehrenberg, 'Der griechische und der hellenistische Staat.' *Einleit. in die Altertumswiss.* III 3 (1932), 47; Kahrstedt, *Studien* I, 264, 284 f., 288 f.; Schaefer, *Staatsform*, 18 f., 131 f.; Diller, 137 f.; M. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941) index s.v. *πρόξενoi* and Proxeny.

161). Cp. note 142 and V. Ehrenberg, 'Die Rechtsidee im fruehen Griechentum' (1921), index s.v. *Gastrecht*.

162). Busolt-Swoboda, p. 229 and note 1.

163). Tod, 34; Hdt. III, 136, 10; Thuc. III, 52, 5; V, 59, 5; 76, 3; Xenoph. *Hell.* I, 1, 35; VI, 3, 4. Cp. Phillipson, 153 f.; Schaefer, *Staatsform*, 21.

164). I.G. XII 5, 528=I.G. XII Suppl. p. 113 No. 528.

165). Thuc. III, 70, 1; 59; Waddington, 'Inscr. d'Asie Min.', 77; Syll. ³, 127=I.G. II², 17.

166). Cp. Schaefer, *Staatsform*, 17 note 1, 19 f.; Pope, 34; G. Daux, 'Alcibiade, proxène de Lacédémone.' *Mélanges Desrousseaux* (1937), 117 f. It should be noted that even Pericles (Thuc. II, 13, 1) had to defend himself against democratic suspicion, because a Spartan king was his *ξένο*.

167). The inscription I.G. II², 6=I.G. II², 119=Michel, 81 regulates the reinstatement of several of them after the victory of the democrats under Thrasybulus. Cp. also Pope, 72.

168). Thuc. III, 70, 3. Cp. Schaefer, *Staatsform*, 28.

169). The term *τὰ συμφέροντα τῷ δήμῳ* which is found in several Attic proxenia decrees clearly expresses this attitude. Cp. I.G. II², 542=I.G. II, 286; *Hesperia* 5 (1936), 381 No. 5; Tod, 82=Michel, 341=I.G. II², 105; Tod, 88=I.G. I², 116 (cp. Schaefer, *Staatsform*, 128, 139; A. Wilhelm, 'Attische Urkunden IV.' *Sitz. Wien. Akad.* 1939 (1940), 89; B. D. Meritt, *Hesperia* 10 (1941), 327 f.; Tod, 90=I.G. I², 118; Syll. ³, 85; 92; 114; 132; 165; 185; 199; 262; 263.

170). Cp. Schaefer, *Staatsform*, 18 note 4, and as examples Syll. ³, 168; 189; 195; 217; 258; 267-270; 278; 309; 333; 348; I.G. IX. 1², index. s.v. προξενία, πρόξενος I.G. XII 2, No. 5=I.G. XII Suppl. p. 2; I.G. XII Suppl. p. 39 No. 12M; p. 138 No. 3130, S.E.G. I, 101-116; 192-207; II, 254-256.

171). Cp. Daremb.-Saglio, *Dict. des Antiq.* IV, 738; Philipson, 154 f.; Busolt-Swoboda, 1248 f.; Schaefer, *Staatsform*, 131 f.

172). Cp. the numerous examples for the granting of ἐπιγαμία, πρόσδοξ εἰς τὴν βουλὴν καὶ τὸν δῆμον, δίκαι πρὸς τὸν πολέμαρχον, ἀτέλεια τοῦ μετοικίου, ἔγκτισις γῆς καὶ οἰκίας, ἰσοτέλεια, ἀτέλεια πάντων and full citizenship which have been collected by Pope, 43 f., 72 f., and Diller, 102 f., 113, 130 note 87, 133 f., 178.

173). Cp. note 81, and for other proxeni in exile Pope, 50, 72 f.

174). It was only natural that famous sportsmen, when they took part in politics and had to go into exile, were in an even better position than other political refugees. They were able to find a comfortable new home abroad with ease, and it was not too difficult for them to obtain an amnesty, if they wished to return. The famous Olympic visitor Ergoteles, for instance, who had been expelled from Cnossos before B.C. 472, was made citizen of Himera in Sicily soon afterwards, and won his later ἀγῶνες for his adopted country (Paus. VI, 4, 11; Pinder., *Olymp.*, XII, 13 f.; cp. M. Guarducci, *Inscriptiones Creticae* I (1935), 47). Cimon, the stepbrother of the elder Miltiades, had less political scruples. He transferred his own nomination as Olympic victor of B.C. 528 to the tyrant Pisistratus, who recalled him immediately (Hdt. VI, 103; cp. R. E. art. Kimon (1); H. Berve, *'Miltiades.'* *Hermes Einzelschrift* 2 (1937), 9 f.).

175). Cp. F. M. Heichelheim; *Schmollers Jahrbuch* 55 (1931), 229 f.; T. J. Haarhoff, *'The Stranger at the Gate'* (1939), 42 f.

176). Plut. Sol. XXIV, 4-5. Cp. for the interpretation of this passage F. M. Heichelheim, *Philol. Woch.* 54 (1934), 126 f.; F. M. Heichelheim, *'Wirtschaftsgeschichte des Altertums'* (1938), 288; Michell, 148 note 2; T. J. Haarhoff, op. cit., 42 f.

177). Aristot. Polit. 1275 b 37. Cp. V. Ehrenberg, *'Neugruender des Staates'* (1925), 96; Diller, 101 f.

178). Cp. C. T. Seltman, *'Athens'* (1924), 80 f.

179). Aristot. Ath. Pol. XXVII, 3; Nep. Cim. 4; Plut. Cim. 9; 10; Theopomp. frgm. 89 (F. Jacoby, *'Die Fragmente der griechischen Historiker'* II 1 (1927), 555 f.; II D (1930), 369 f.).

180). Plut. Alcib. 10; 36, 3; Xenoph. Hell. I, 5, 17; Diod. Sic. XIII, 37, 2; Ael. Var. Hist. III, 28.

181). Thuc. I, 138, 5; Diod. Sic. XI, 57, 7; Aristodem. 10, 5 (Jacoby, op. cit. II A (1926), 500; II C (1926), 330 f.); Athen. I, 29 f.; Schol. Aristoph. Eq., 84; Nep. Them. 10, 2-3; Plut. Mical. 328 F; Plut. Them. XXIX, 11. Cp. RE. art. Themistokles (1).

182). Thuc. I, 136, 1; Plut., Them. XXIV, 1.

183). Theopomp. frgm. 88 (Jacoby, op. cit. II I (1927), 555; II D (1930), 369); Nep. Cim. III, 3; Andoc. III, 3; Aeschin. II, 172. Cp. G. Busolt, 'Griechische Geschichte' III 1² (1897), 258, 1; 259 note.

184). Thuc. V, 43, 2; VI, 89, 2.

185). Arist. Ath. Pol. XXVI, 4; Plut. Pericl. 37; Ael. Var. Hist. VI, 10; XIII, 23. Cp. Busolt-Swoboda, 221 note 3, 222 f., 900 f., 940; Kahrstedt, Studien I, 61 ft., 66 f.; Diller, 91 f., 104 f.; T. J. Haarhoff, 'The Stranger at the Gate' (1939), 44 f.

186). (Demosth.), LIX, 89/90. Cp. Diller, 101 f.; Haarhoff, op. cit., 47 f.

187). Cp. notes 56 and 57.

188). Thuc. I, 103, 3; Diod. Sic. XI, 84, 7. Early Athens, on the other hand, may have experienced a considerable immigration of political refugees, if Thuc. I, 2, 6 is to be trusted.

189). (Plut.), Vitae decem. orat., Lysias, 835 c.; Dion. Hal., Lysias I. Cp. Ferckel, 11 f.

190). Glotz, Histoire, II, 214 f.; F. M. Heichelheim, 'Wirtschaftshistorische Beiträage zur klassisch-griechischen und hellenistischen Muenzhortstatistik.' Transact. of the Intern. Num. Congr. (1938), 70 f.

191). (Demosth.), LIX, 104 f.; Isocr., Panath., 94; Lysias, XXIII, 6. Cp. Mathieu, 'La réorganisation du corps civique à la fin du Ve siècle.' R.E.G. 40 (1927), 65 f.; Ranulf, II, 48; Kahrstedt, Studien I, 70, 78, 353 f.; II, 70, 78 f., 81, 232; Diller, 108 f., 148.

192). I.G. I², 126=II², 1=Syll. ³, 116/7=Tod, 96; Xenoph., Hell., II, 3, 6. Cp. Busolt-Swoboda, 225; A. Billheimer, 'Naturalization in Athenian Law and Practice' (1922), 36 f.; G. Mathieu, R.E.G. 40 (1927), 71 f.; P. Cloché, R.E.G. 40 (1927), 107 f.; Laqueur, 6; Kahrstedt, Studien I, 79, 84; Schaefer, Staatsform, 89, 137, 139, 169; Pope, 48, 72; Diller, 109; A. E. Raubitschek, Hesperia 10 (1941), 287, 295.

193). Cp. Diller, 111, 148; Kahrstedt, Studien I, 79, 322, 327 on the much discussed and doubtful evidence of Diod. Sic. XIII, 97, 1; Iustin. V, 6, 5; Andoc. I, 149; Aristoph., Ran., 692 f. with schol.

194). Lysias, Epitaph., 26; Aeschin., III, 187; Xenoph., Hell., II, 4, 25; Arist., Ath. Pol., XL, 2; Paus. I, 29, 3; I.G. II², 10=Syll. ³, 120=S.E.G. I, 14=II, 11=III, 70.

Another more fragmentary inscription which refers to the battle of Phyle has been recently restored in a scholarly manner in the instructive article of A. E. Raubitschek, 'The Heroes of Phyle.' *Hesperia* 10 (1941), 284 f. (with good bibliography). Cp. also R.E. art. Triakonta, Thrasyboulos (3); C.A.H., 375 f.; A. G. Roos, *Klio* 17 (1921), 1 f.; W. Kolbe, *Klio* 17 (1921), 242 f.; P. Cloché, R.E.G. 30 (1917), 384 f.; P. Cloché, 'La restauration démocratique à Athènes en 403 av. J. Chr.' (1915), 447 f.; Busolt-Swoboda, 226, 918, 945; Billheimer, 'Naturalisation,' 18 f.; Pope, 48; Glotz, *Histoire* III, 65 f.; Kahrstedt, *Studien* I, 70, 79, 84 f.; J. Walz, 'Der lysianische Epitaphios.' *Philologus* Suppl. 29, 4 (1936), 26 f.; Schaefer, *Staatsform*, 139; Ferckel, 22 f., 26 f., 48 f., 54 f., 63 f., 131; Friedel, 58 f.; Diller, 110, 148 f.; J. Hatzfeld, *Rev. de Phil.* (1939), 241 note 1.

195). *Hyper.*, In *Aristogit.*, frg. 32-34 (Sauppe)=27-39 (Jensen); *Lycurg.*, In *Leocr.*, 41; (*Plut.*) *Vitae decem orat.*, 849 a.; *Suidas*, s.v. Ἀριστογείτων b; ἐπίτιμον. Cp. Kahrstedt, *Studien* I, 79; Diller, 112, 148.

196). *Hyper.* V, frg. 31-33 (Jensen). Cp. Diller, 112, 178; Pope, 44, 73.

197). *Demosth.* XXIII, 118/9; (*Demosth.*), XII, 9; *Lysias* XIII, 71/72; I.G. I², 110=Syll. ³, 108. Cp. R.E. art. Kotys (2A1), Thrasyboulos (8); Diller, 103 f.; A. Billheimer, 'Naturalization' (1922), 16 r., 34 f.; Pope, 48.

198). Cp. Usteri, 95-109 on *Xenoph.*, *Hell.* I, 3, 18; II, 2, 1 (naturalisation of more than five Byzantian democrats in B.C. 408 and after B.C. 403); I.G. II, 54=Michel, 94=I.G. II², 109 (naturalisation of 11 Delphians in B.C. 363) and the cases mentioned in notes 81, 200, 201. Cp. also Billheimer, 'Naturalization,' 34; Kahrstedt, *Studien* I, 79, 278 f.; Pope, 72 f.

199). Cp. Schaefer, *Staatsform*, 130 f., 137 f.; Diller, 105 f., 113. Cp. also the list of political and unpolitical enfranchisements in Kahrstedt, *Studien* I, p. 79 note 4.

200). I.G. II, 116=Michel, 99=Syll. ³, 228=I.G. II², 226; *Paus.* I, 11, 1 and 5; *Justin.* VII, 6; VIII, 6 Cp. Usteri, 105 f.; Laqueur, 46 f.; Billheimer, 460 f.; Schaefer, *Staatsform*, 132; Pope, 37, 44; P. Treves, 'The Meaning of consenesco for Arybbas.' *Proceedings of the Cambridge Philol. Soc.* 1940 (1941), 6 f.

201). I.G. II, 121=Michel, 102=Syll. ³, 259=I.G. II², 237. Cp. A. Billheimer, 'Naturalization,' 51, 64, 101; Pope, 74; A. Wilhelm, *Pragm. Ak. Athens* IV (1936).

202). Cp. for the Aeolian cities *Hdt.* I, 150; for Colophon B. D. Meritt, *Am. Journ. Phil.* 56 (1935), 377 f. No. III, and C. J. Cadoux, 'Ancient Smyrna' (1938), 85 note 1 (on *Schol. Plat. Theaet.* 153 c.); for Ephesus *Xenoph. Hell.* I, 2, 10; II, 3, 6 f.; 39 f.; *Plut.*, *Lysand.* 14; for Erythrae *Syll.* ³, 126; 168; *Diod. Sic.* XIV, 84, 3; for Himera *Paus.* VI, 4, 11; for Samos *Syll.* ³,

312, 333; for Sybaris Hdt. V, 90; for Syracuse Aristot. Polit. 1303 a 38 f.; Diod. Sic. XII, 54, 7; XIII, 113, 4; XIV, 15, 4; 106, 3; 107, 2 (cp. also Schaefer, *Staatsform*, 134 f.; W. Huettl, 'Verfassungsgeschichte von Syrakus' (1929), 24 f.).

203. I.G. I², 126=II², 1=Syll. ³, 116=Tod, 96, lines 16 f.

204). Thuc. V, 18, 7 f.; 32, 1; Diod. Sic. XII, 76, 3; XIII, 30, 6. Cp. R.E. art. Skione (col. 529); G. Busolt, 'Griechische Geschichte' III 2 (1904), 1038, 1211, 1538; Busolt-Swoboda, 289; Glotz, *Histoire* II, 659 f.; Diller, 109.

205). Cp. A. Diller, 'The Decree of Demophilus.' *Transact. and Proc. Amer. Phil. Ass.* 63 (1932), 193 f.

206). I.G. II, 54=Michel, 94=Syll. ³, 175=I.G. II², 109 (cp. Usteri, 101; Laqueur, 44 f.; Billheimer, 458 f., 460 note 1); I.G. II, 121=Syll. ³, 259=I.G. II², 237 (cp. Usteri, 106 f.). Cp. also notes 172, 197-201.

207). Demosth. XX, 59; 60; I.G. II, 4=II², 33. Cp. M. Clerc, 'Les méteques athéniens' (1893), 198; Usteri, 96 f. Cp. in addition notes 153, 154, 172.

208). Usteri, 209 f.

209). I.G. II, 115=Syll. ³, 226=I.G. II², 222 lines 35-41. Cp. also note 81.

210). Cp. Diller, 113 f.

211). Usteri, 114 f. on Thuc. II, 27, 2 (Aeginetans in Thyrea, settled by Sparta, B.C. 431); Thuc. III, 68, 3 (Megarians in Plataeae, B.C. 427/6); Thuc. VI, 7, 1 (Argives in Orneae, settled by Sparta, B.C. 417); Diod. Sic. XIV, 82, 6/7 (Trachinians in Heraclea, B.C. 395); Diod. Sic. XIV, 87, 1 (Naxians and Catanaeans in Mylae, B.C. 394).

212). Cp. note 204.

213). Paus. V, 6, 5. Cp. R.E. art. Skillus. Cp. also note 106.

214). M. Guarducci, 'Inscriptiones Creticae' II (1939), p. 116 No. 1=Syll. ³, 940=Michel, 664. Cp. M. Guarducci, 'Inscriptiones Creticae' I (1935), 7, 50, 269, 306. The so-called *doreai* of the Hellenistic monarchies should also be mentioned in this connection. Cp. M. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941), 1340.

215). Aen. Tact. X, 8-10; Polyb. IV, 17, 4-7.

216). Hdt. I, 157-161; Plut., *De Malign.* Herod., 20. Cp. I.G. XII-Suppl. p. 60; R. E. art. Mytilene (col. 1413). Cp. as a further proof the passages mentioned in note 142.

217). Thuc. I, 136/137, 1; Plut. *Them.*, XXIV; Diod. Sic., XI, 56. Cp. also note 64.

218). Usteri, 116 f. mentions Plut., *Quaest. Graec.*, V p. 292 B (Messenians expelled from Tegea under Sparta's orders, c. B.C. 550), the cases mentioned in notes 219 and 220, and Hellenistic examples from Syracuse, Boeotia and Seleucid Syria.

In addition one may recall the refusal of many Greeks to accept the defeated Thirty Tyrants of Athens. Cp. also note 58.

219). Hdt. III, 148. Cp. R.E. art. Maiandrios (1); Ranulf I, 93.

220). Diod. Sic. XI, 53. Cp. Usteri, 117.

221). I.G. I², 115=Tod, 87 lines 30: —ἐχσεῖναι ἀποκτέ-
νεν καὶ ἀπάγεν ἐν τε(ι) ἐμέ(δαπέι) — — — —
Cp. Busolt-Swoboda, index s.v. Drakontische Verfassung und
Strafrecht; P. Vinogradoff, 'Outlines of Historical Jurisprudence'
I (1920), 303; II (1921), 180; G. M. Calhoun, 'The Growth of
Criminal Law in Ancient Greece' (1927), 68; Bonner-Smith I,
120 f., 167 f.; II, 7; Kahrstedt, Studien I, 104; Friedel, 19.

222). Cp. J. H. Oliver, *Hesperia* 4 (1935), 5 f. on I.G. II²,
1357=Pratt-Ziehen, 'Leges Sacrae,' 16 and 16 a, recently found
additional fragments of this inscription, and the decree which is
referred to in Andoc. I, 82 f.

223). Demosth. XXIV, 149 f.:— Οὐδὲ τοὺς φεύγοντας
κατάξω — — .

224). Plut. Sol. XIX: Ἀτίμων ὅσοι ἄτιμοι ἦσαν πρὶν
ἢ Σόλωνα ἄρξαι ἐπιτίμους εἶναι πλὴν ὅσοι ἐξ Ἀρείου πά-
γου ἢ ὅσοι ἐκ τῶν ἐφετῶν ἢ ἐκ πρυτανείου καταδικασθέντες
ὕπο τῶν βασιλέων ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι
ἔφευγον, ὅτε ὁ θεσμός ἐφάνη ὁδε.

Cp. especially G. Smith, 'The Prytaneum in the Athenian
Amnesty Law.' *Class. Phil.* 16 (1921), 345 f. We differ from
Miss Smith in believing that Plutarch's text is close to the wording
of Solon's original law and not a free paraphrase of it. Cp. also
for the problem of political amnesties in Athens Bonner-Smith I,
104 f., 121 note 2, 274; II index s.v. amnesty; Kahrstedt, Studien
II index s.v. Amnestie. Cp. also note 17.

225). Cp. notes 20 and 22.

226). The similar opinion of N. G. L. Hammond, *Journ.*
Hell. Stud. 60 (1940), 80 has not influenced the wording of this
passage.

227). Andoc. I, 107 f.:— ἐγνώσαν τοὺς τε φεύγοντας
καταδέξασθαι καὶ τοὺς ἀτίμους ἐπιτίμους ποιῆσαι — — .
Cp. Kahrstedt, Studien I, 92.

228). Plut. Them., XI; Aristid., VIII. It is possible that
similar measures were taken before the battle of Marathon. Cp.
I. A. Notopoulos, 'The Slaves at the Battle of Marathon.' *Am.*
Journ. Phil. 62 (1941), 352 f.

229). J. M. Stahl, 'Ueber athenische Amnestiebeschluesse.'
Rhein. Mus. N.F. 46 (1891), 250 f.

230). Usteri, 121 f., 143 rightly corrected Stahl; but his
reasoning is confused and obscure, and his quotations so meagre
that the reader is almost unable to follow his argument completely.
Cp. also Busolt-Swoboda, 910; Kahrstedt, Studien I, 94, 98, 104;

and the careful and convincing interpretation of the evidence by G. Smith, 'The Prytaneum in the Athenian Amnesty Law.' *Class. Phil.* 16 (1921), 345 f.

231). *Andoc.* I, 73: Ἐπεὶ γὰρ αἱ νῆες διεφθάρησαν καὶ ἡ πολιορκία ἐγένετο, ἐβουλεύσασθε περὶ ὁμονοίας καὶ ἔδοξεν ὑμῖν τοὺς ἀτίμους ἐπιτίμους ποιῆσαι.. A similar statement is found in *Xenoph. Hell.* II, 2, 11 and *Lysias*, XXV, 27.

232). *Andoc.* I, 78: Κατὰ μὲν τὸ ψήφισμα τοῦτο τοὺς ἀτίμους ἐπιτίμους ἐποιήσατε. Τοὺς δὲ φεύγοντας οὐτε Πατροκλείδης εἶπε κατιέναι οὐθ' ὑμεῖς ἐψηφίσασθε.

233). *Andoc.* I, 78: — πλὴν ὅποσα ἐν στήλαις γέγραπται τῶν μὴ ἐνθάδε μεινάντων ἢ ἐξ Ἀρείου πάγου ἢ τῶν ἐφετῶν ἢ ἐκ πρυτανείου ἢ Δελφινίου ἐδικάσθη (ἢ) ὑπὸ τῶν βασιλέων, ἢ ἐπὶ φόνῳ τίς ἐστι φυγὴ ἢ θάνατος κατεγνώσθη, ἢ σφαγαῖσιν ἢ τυράννοις — —.

Our translation of this difficult passage is that of G. Smith, *Class. Phil.* 16 (1921), 348, with the exception of a few slight changes. We do not accept her opinion as certain that

ἡ Δελφινίου is a gloss.

234). *Usteri*, 121 f.

235). The first provision of this law refers to the Pisistratids, Arthmius of Zeleia, Isagoras, Themistocles and other exiled traitors who had been pilloried by the inscription of their names, their crimes and the penalties inflicted on them upon bronze stelae. Cp. note 33.

236). Cp. notes 20 and 22.

237). Cp. the *Life of Thucydides* by Marcellinus, who refers in section 32 to a statement by Didymus as follows: —τοὺς γὰρ Ἀθηναίους καθοδὸν δεδωκέναι τοῖς φυγάσι πλὴν τῶν Πεισιστρατιδῶν Excerpts from the decree which was sent by the Spartan ephors to the Athenians and served as a foundation for the peace are given in *Plut., Lysand.*, XIV, 4:

Τὰν εἰράναν ἔχοιτε, αἱ χρήδοιτε, καὶ τοὺς φυγάδας ἀνέντες

238). Cp. *R. E.* art. *Triakonta*; *C.A.H.* V, 365 f.; *Glötz, Histoire* III, 51 and note 10; *Kahrstedt, Studien* I, 92 f., 98.

239). *Usteri*, 143.

240). *Lysias*, XII, 5.

241). *Andoc.* I, 91. The best survey of the history of the amnesties of B.C. 403 and 401 is the scholarly monograph of P. Cloché, 'La restauration démocratique à Athènes en 403 avant J.C.' (1915), passim and especially p. 251 f. Cp. in addition *R.E.* art. *Triakonta*; G. Luebbert, 'De amnestia anno CCCCIII a. Chr. n. ab Atheniensibus decreta.' *Phil. Diss.* Kiel (1881); *Usteri*, 122 f.; *Busolt-Swoboda*, 916 f.; *Kahrstedt, Studien* I, 62, 89, 92, 104; II, 66, H. T. Wade-Gery, 'The Charter of the Democracy,

410 B.C.' Ann. Brit. School at Athens 33 (1935), 113 f.; A. P. Dorjahn, 'Legal Precedent in Athenian Courts,' Phil. Quart. 7 (1928), 383 f.; A. P. Dorjahn, 'The Athenian Senate and the Oligarchs of 404/3 B.C.' Phil. Quart. 11 (1932), 57 f.; A. P. Dorjahn-J. F. Cronin, 'Outside Influence on Athenian Courts,' Phil. Quart. 17 (1938), 18 f.

242). Xenoph. Hell. II, 4, 38: Οἱ δὲ διήλλασαν ἐφ' ὧτε εἰρήνην μὲν ἔχειν πρὸς ἀλλήλους, ἀπιέναι δὲ ἐπὶ τὰ ἐ-
αυτῶν ἐκάστους πλὴν τῶν τριάκοντα καὶ τῶν ἑνδεκα καὶ
τῶν ἐν τῷ Πειραιεῖ ἀρξάντων δέκα.

243). Aristot. Ath. Pol. XXXIX, 6: Τῶν δὲ παρεληλυθότων
μηδενὶ πρὸς μηδένα μνησικακεῖν ἐξεῖναι, πλὴν πρὸς τοὺς
τριάκοντα καὶ τοὺς δέκα καὶ τοὺς ἑνδεκα καὶ τοὺς τοῦ
Πειραιέως ἀρξαντας, μηδὲ πρὸς τούτους, ἐὰν διδῶσιν εὐ-
θύνας.

Cp. also note 18.

244). Cp. Usteri, 122 f. For the above mentioned passage
of Lysias, Πρὸς Ἱπποθέρσην cp. Pap. Oxyrhynch XIII. No.
1606 frgm. 2—L. Gernet-M. Bizos, 'Lysias, Discours' II. (1926,
ed. Budé) p. 252 lines 39-48: Κελευουσῶν τῶν συνθηκῶν τὰ
μὲν πεπραμένα τοὺς ἐωνημένους ἔχειν, τὰ δὲ ἄ(π)ρατα
τοὺς κατελθόντας (κ)ομίζεσθαι, οὗτος, οὔτε γῆν (οὔ)τ'
οἰκίαν κεκτημένος, (ἄ) καὶ αἱ συνθήκαι τοῖς κα(τε)λθοῦ-
σιν ἀπεδίδουσιν (ἐὰν) (;) δὲ ἄδε ἀποδῶ(σ)ι — — — —
Cp. also Gernet-Bizot, op. cit. p. 230 note 4; Ferckel, 64 f. For
Thrasylbulus and Anytus cp. Isocr. XVIII, 23.

245). Cp. R.E. art. Syndikos (2); Busolt-Swoboda, 1056,
1115; Kahrstedt, Studien II, index s.v. σύνδικοι; Ferckel, 64.

246). Bekker, Anecd. I, 304, οἵτινες ἀπεγράφοντο τὰς
οὐσίας τῶν ὀλιγαρχικῶν
Cp. R.E. art. Syllogeis; Busolt-Swoboda, 1056, 1115; Kahrstedt,
Studien II, 192, 288, 290.

247). Glotz, Histoire III, 60 f. Cp. also Schaefer, Staats-
form., 192 f.; H. Berve, 'Griechische Geschichte' II (1933), 60,
64.

248). Xenoph. Hell. II, 4, 43; Iust. V, 10. Cp. P. Cloché,
op. cit., 278 f.; Busolt-Swoboda, 918; Glotz, Histoire III, 62 f.

249). Andoc. I, 91: Καὶ οὐ δέξομαι ἑνδειξιν οὐδὲ ἀ-
παγωγὴν ἕνεκα τῶν πρότερον γεγεννημένων, πλὴν τῶν
φυγόντων.

The moderate oligarch Phormisius had made an earlier
proposal for a second amnesty which was not accepted by the
people because it provided for undemocratic limitations of the
main body of citizens (Lysias, XXXIV; cp. Ferckel, 48 f.).
Numerous allusions in the speeches of Lysias prove that there
were considerable difficulties to overcome during the decade

after B.C. 401 in order to make major transgressions of the successful amnesty impossible. Cp. now Ferckel, 119 f.

250). Cp. Busolt-Swoboda, II, 926 f.; Passerini, *Athenaeum* N.S. 8 (1930), 291 f.; Glotz, *Histoire* IV 1, 274, 292 f. Cp. also note 78.

251). Iscor Epist. VII, 8. Cp. R.E. art. Kleomis; A. Passerini, *Athenaeum* N.S. 8 (1930), 282. A very successful amnesty of Cyrene in B.C. 401, two years after the victory of democracy in Athens, had the legal form of a treaty between the reconciled parties (Diod. Sic. XIV, 34, 6). Attic influence cannot be proved for it, but in our opinion is quite possible.

252). Plut., Arat. IX-XV; Cic., *De Offic.* II, 81 f.; Paus. II, 8, 3. Cp. R.E. art. Aratus, Sikyon; W. H. Porter, 'Aratus of Sikyon and King Antigonos Gonatas.' *Hermathena* 20 (1930), 293 f.; M. A. Levi, 'Arato e la liberazione di Sicione.' *Athenaeum* N.S. 8 (1930), 508 f.; F. W. Walbank, 'Aratus of Sikyon' (1933), 31 f.

253). Cp. notes 114 and 195.

254). (Demosth.) XXVI. 11; Lycurg., In Leocr., 41; Hyper., In aristogit. frgm. 32 (Sauppe) = frgm. 27-28 (Blass, Kenyon, Jensen) = Rutil. Lup. I, 19.

255). Cp. F. M. Heichelheim, 'Wirtschaftsgeschichte des Altertums' (1938), 394 f., 640 f.; M. I. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941), index s.v. Civil Wars, and especially p. 42, 206 f., 610 f., 756 f., 769 f., 807 f., 942 f., 1128 f., 1367 f., 1460 f., 1508, 1512, 1521 f., 1606.

256). Cp. Glotz, *Histoire* III, 364 f. Usteri, 127 f. has collected the evidence for an additional number of amnesties in Greek communities, a list which could be easily added to; but our authorities do not enable us to describe their legal aspects in detail. In the majority of the cases known to us the people or the government of a state granted exiles both return and partial or complete restoration of property; but the political refugees were not invited to take part in the wording of such amnesty laws, and therefore friction remained and not one of these measures was successful for very long. We may mention the amnesty for the oligarchic gamores in Syracuse under Gelon (Hdt. VII, 155, 8 f.; Dion Hal. VI, 62; cp. W. Huettl, 'Verfassungsgeschichte von Syrakus' (1929), 56 note 4), the amnesty in numerous Sicilian towns of c. B.C. 461, when the rhetors Korax and Tisias excelled in pleading for and against returned exiles, and for and against property rights which had been violated (Diod. Sic. XI, 76, 5; cp. R. E. art. Korax (3), Teisias (6); P. Hamberger, 'Die rednerische Disposition.' *Rhetorische Studien* 2 (1914), 6 f.; Huettl, op. cit., 65 f., 67 f.). Other amnesties of this type are known from Megara in B.C. 424 (Thuc. IV, 74, 2; cp. R.E. art. Megara (2), 191), from Thasos in B.C. 411 (I.G.

XII 8, 262=I.G. XII Suppl. p. 150; cp. R.E. art. Thasos, col. 1316), from Syracuse in B.C. 406/5 and 404/3 (Diod. Sic. XIII, 92, 7; XIV, 9, 5/6; XIV, 9, 8; cp. Huettl, op. cit., 99), from Corinth in B.C. 392 Xenoph., Hell. IV, 4, 5), from Syracuse in B.C. 367 and 357 (Plut. Dion, XI; Nepos, Dion, III, 2; cp. Huettl, op. cit., 111 f.), and from Mytilene in c. B.C. 350 (Isocr. Epist. VIII, 3; cp. R.E. art. Mytilene, col. 1414).

An exception was the famous amnesty in Syracuse and in the whole of Greek Sicily under Timopeon's influence after c. B.C. 343, which had success for a decade because it formed part of a beneficial social reform. A well planned rearrangement of the houses and allotments of land in Syracuse was made, and the returned refugees received the same share as the old owners. It is possible that Alexander the Great imitated Timoleon in proclaiming his amnesty at one of the great pan-Hellenic festivals. It is much to regret that our authorities do not report the provisions of Timoleon's amnesty and social reforms in detail. It is likely, but cannot be proved, that earlier laws were imitated by the great appeaser of Sicily (Diod. Sic. XVI, 82, 5; XIX, 2, 8; Plut. Timol. XXV; cp. R.E. art. Timoleon; Huettl, op. cit., 126 f.; von Scheliha, 'Dion.' Das Erbe der Alten 25 (1934), 97 f.). A third type of amnesty is represented by a legal inscription from Elis, some provisions of which have already been discussed in note 55 (cp. also note 282). This law of c. B.C. 350 which perhaps adapted Athenian legislation was mainly concerned with criminals. Political offences were only indirectly included as in the case of Solon's amnesty.

257). Isocr. XVI, 46. Cp. Usteri, 126; Glotz, Histoire II, 741; Kahrstedt, Studien I, 93 f., 106.

258). Cp. note 66. The problem whether there was a special amnesty for the historian Xenophon (cp. notes 106, 213) is similarly difficult to decide. Diog. Laert II, 6, 59. Cp. Kahrstedt, Studien I, 104 f.

259). Thuc. V, 26, 5.

260). Paus. I, 23, 9. Oenobios was Athenian strategus in B.C. 410/409. Cp. I.G. I², 108=Tod, 84 lines 38, and R.E. art. Oinobios.

261). Marcellin. Vita Thuc., XXXII.

262). Ed. Meyer, 'Geschichte des Altertums' IV, 3 (1901), 660. Cp. also U. von Wilamowitz-Moellendorff, 'Die Thukydideslegende.' Hermes 12 (1877), 326 f.; G. B. Grundy, 'Thucydides and the History of his Age' (1911), 41.

263). Cp. notes 20 and 22.

264). Cp. for Lesbos (B.C. 424), Thuc. IV, 52; I.G. XII Suppl. p. 62. for Thasos (B.C. 411) Thuc. VIII, 64; I.G. XII 8, 262=I.G. XII Suppl. p. 150, for Selymbria (B.C. 409/8) I. G. I², 116=Syll. ³, 112=Michel, 1437=Tod, 88 (cp. also A. Wilhelm,

'Attische Urkunden IV.' Sitz. Wien. Akad. 1939 (1940), 89; B. D. Meritt, *Hesperia* 10 (1941), 327 f.; Schaefer, *Staatsform*, 128, 139), for Lesbos (B.C. 389/8) Xenoph., *Hell.* IV, 8, 28/9; I.G. XII Suppl. p. 64, for Plataeae (B.C. 386) Xenoph., *Hell.*, V, 1, 31-33, for Zacynthos (B.C. 375/4) Diod. Sic. XV, 45, 4; Xenoph., *Hell.* VI, 2, 2, 3, for Iulia (B.C. 363/2) I.G. II², 111—Syll. ³, 173=Michel, 95 (cp. also Pope, 73 and notes 76-78).

265). Cp. notes 237 and 238.

266). Xenoph. *Hell.* V, 2, 10. The earlier possessions of the exiles were either to be returned to them or a compensation given. Cp. Usteri, 131; A. Passerini, *Athenaeum* N.S. 8 (1930), 280 f.

267). Xenoph. *Hell.* V, 3, 25. The oligarchs had asked for a joint commission of returned exiles and permanent residents of the town to decide disputes which had arisen because the democrats tried to prevent the restitution of certain democratic properties. Cp. Usteri, 144.

268). Cp. with bibliography S.E.G. IX, 1.

269). Diod. Sic. XVIII, 8, 2, 4-5; Curt., X, 2, 4-5; Plut. *Apophth.* Lacon. Eudam. 9 p. 221 A. Cp. H. Berve, 'Das Alexanderreich auf prosopographischer Grundlage' (1926) I, 234 f.; II, 276 f.; A. Passerini, *Athenaeum* N.S. 8 (1930), 285 f.; P. Treves, 'Demostene e la libertà Greca' (1933), 151 f.; P. Zancan, 'Il monarchato ellenistico' (1934), 16 f.; H. Bengtson, 'Die Strategie in der hellenistischen Zeit.' Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch. 26 (1937), 47 f.; Heuss, *Stadt und Herrscher*, 79 f., 95 f., 103 f., 125; A. Heuss, *Hermes* 73 (1938), 135 f.; G. Glotz, *Histoire* IV 1, 77 f., 174, 186, 217 f.; V. Ehrenberg, *Hermes* 65 (1930), 337 f.; V. Ehrenberg, 'Alexander and the Greeks' (1938), 19 f. An important article of E. Bikerman, of the Sorbonne, Paris, which would have shed new light on this subject, was in print for *Mélanges Radet* in 1940; but this publication was, we believe, prevented from appearing by political events.

270). Other small groups of rebels, e.g., the tyrants of Ereos, seem also to have been excluded. Cp. notes 132 and 277.

271). Arrian. *Anab.* I, 10, 1; I, 17, 9 f.; II, 1, 14; Diod. Sic. XV, 46, 4-6; Iust. IX, 4, 8; Syll. ³, 283. Cp. Heuss, *Stadt und Herrscher*, 95 f., 103 f.; A. Heuss, *Hermes* 73 (1938), 138; A. Passerini, *Athenaeum* N.S. 8 (1930), 284 f.; Diller, 109, 112.

272). Diod. Sic. XVIII, 8, 2, 4-5: 'Ἀλέξανδρος γὰρ θραχεῖ χρόνῳ πρότερον τῆς τελευτῆς ἔκρινε κατάγειν ἅπαντας τοὺς ἐν ταῖς Ἑλληνίσιν πόλεσι φυγάδας ἅμα μὲν δόξης ἔνεκεν, ἅμα δὲ βουλόμενος ἔχειν ἐν ἑκάστη πόλει πολλοὺς ἰδίους ταῖς εὐνοίαις πρὸς τοὺς νεωτερισμοὺς καὶ τοὺς ἀποστάσεις τῶν Ἑλλήνων. Διόπερ ὑπο-

γύων ὄντων τῶν Ὀλυμπίων ἐξέπεμψε εἰς τὴν Ἑλλάδα Νικάνορα τὸν Σταγειριτὴν, δοῦς ἐπιστολὴν περὶ τῆς καθόδου. Ταύτην δὲ προσέταξεν ἐν τῇ πανηγύρει διὰ τοῦ νικῆσαντος κήρυκος ἀναγνώσθηναι τοῖς πλήθεσι. Τοῦτου δὲ ποιήσαντος τὸ προσταχθέν, λαβὼν ὁ κῆρυξ ἀνέγνω τὴν ἐπιστολὴν τήνδε; Ἐβασιλεὺς Ἀλέξανδρος τοῖς ἐκ τῶν Ἑλληνίδων πόλεων φυγάσι. Τοῦ μὲν φεύγειν ὑμᾶς οὐχ ἡμεῖς αἵτιοι γεγόναμεν, τοῦ δὲ κατελθεῖν εἰς τὰς ἰδίᾳς πατρίδας ἡμεῖς ἐσόμεθα πλὴν τῶν ἐναγῶν. Γεγράφαμεν δὲ Ἀντιπάτρῳ περὶ τούτων, ὅπως τὰς μὴ βουλομένας τῶν πόλεων κατάγειν ἀναγκάσῃ. Κηρυχθέντων δὲ τούτων μεγάλῳ κρότῳ ἐπεσήμαινε τὸ πλῆθος. Ἀποδεξάμενοι γάρ οἱ κατὰ τὴν πανηγυρὶν τὴν χάριν τοῦ βασιλέως, διὰ τὴν χαρὰν ἡμείβοντο τὴν εὐεργεσίαν τοῖς ἐπαίνοις. Ἦσαν δ' οἱ φυγάδες ἀπληντηκότες ἅπαντες ἐπὶ τὴν πανηγυρὶν, ὄντες πλείους τῶν δισμυρίων.

273). Diod. Sic. XVIII, 8, 2-3. Co. G. O. Z. Histoire IV I p. 266 f.

274). I.G. V 2 p. XXXVI f=A. Plassart, 'Inscriptions de Delphes' B.C.H. 38 (1914), 101-188=Syll. ³, 306=Schwyzer, 657. Cp. also H. Kasten, 'Das Amnestiegesetz der Tegeraten vom Jahre 324.' Phil. Diss. Hamburg (1922); A. Steinwenter, 'Die Streitbeendigung im griechischen Rechte.' Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch. 8 (1925), 164, 167; E. F. Bruck, 'Totenteil und Seelgeraet im griechischen Recht.' Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch. 9 (1926), 88 note; Liddell-Scott, s.v. ἐπαπόλογοι; C. B. Welles, Am. Journ. Arch. 421 (1938), 258 note 5.

275). O.G.I.S. I, 2=E. L. Hicks-G. F. Hill, 'A Manual of Greek Historical Inscriptions' (1901), 164=Schwyzer, 620=I.G. XII, 2, 6=Michel, 356=I.G. XII Suppl. p. 3 No. 6. Cp. also Usteri, 148 f.; Steinwenter, op. cit., 144, 167 f., 171, 192; A. Heuss, Stadt und Herrscher, 96, 125.

276). Syll. ³, 312, 333; A. Maiuri, 'Nuova Silloge Epigrafica di Rodi e Cos' (1925), No. 1.

277). O.G.I.S. 8=I.G. XII 2, 526=C. B. Welles, 'Royal Correspondence in the Hellenistic Period' (1934), No. 2. Cp. V. Ehrenberg, Hermes 65 (1930), 342 f.; Heuss, Stadt und Herrscher, 80, 207; Friedel, 72 f.; I.G. XII Suppl. o. 65-67.

278). Michel, 417. Cp. Usteri, 152 f.; Steinwenter, op. cit., 145 f., 153 f., 159 f., 187. Cp. also note 286.

279). Cp. Diod. Sic. XVIII, 8, 2-3 and the inscriptions mentioned in notes 274, 275, 277.

280). We follow the recent restoration of this text in I.G. XII Suppl. p. 3 No. 6:

(— — — καὶ οἱ ὅ)ασί(ληες προστί)
θησ(θον τῶι κατεληλύσθον)-

- (τι ὡς τέχνην τεχνα) μέν(ω τ) ὦ ἐ(ν τᾷ) πόλι
 πρόσθε(ἕοντος. Αἱ δὲ κέ τις)
 (τῶν κατεληλυθόν)των μὴ ἐμμένῃ ἐν ταῖς δια-
 λυσί(ε)σσι ταύτ(αῖσι),
 (μηδὲ αὖτος ἐφ)εζέσθω παρ τᾶς πόλιος κτή-
 ματος μῆδεος μη(δὲ στ-)
 5 (εἰχέτω ἐπὶ μῇ)δεν τῶμ παρεχώρησαν αὐτῷ
 οἱ ἐν τᾷ πόλι πρό(σθε)
 (ἕοντες, ἀλλὰ σ)τείχοντον ἐπὶ ταῦτα τὰ κτή-
 ματα οἱ παρεχώρησαν(τ-
 (ες αὐτῷ ἐκ τῶν) ἐν τᾷ πόλι πρόσθε ἐόντων,
 καὶ οἱ στρόταγοι εἰσ-
 (αὐθις ἀποφέρο)ντον ἐπὶ τὸν ἐν τᾷ πόλι πρόσθε
 ἕοντα τὰ κτήματα,
 (ὡς μὴ συναλλαγ)μένω τῷ κατεληλυθόντος,
 καὶ οἱ βασιλῆες προστί-
 10 (θησθον τῷ ἐν τ) αἱ πόλι πρόσθε ἕοντι ὡς τέ-
 χνην τεχναίένω τῷ κα-
 (τεληλυθόντος). Μηδ' αἱ κέ τις δίκαν γράφη-
 ται περὶ τ(ο)ύτων, μὴ εἰσά-
 (γοντον οἱ περὶ)δρομοὶ καὶ οἱ δικάσκοποι μηδὲ
 ἄ(λλ)α ἄρχα μηδεῖα.
 (Ἐπιμέλεσθαι δὲ) τοῖς στροτάγοις καὶ τ(ο)ῖς
 ὁ(ασίλ)ηας καὶ τοῖς πε-
 (ριδρόμοις καὶ τ)οῖς δικασκόποις καὶ ταῖς
 (ἄλλα)ῖς ἀρχαῖς, αἱ κε
 15 (μὴ γίνηται ἅπαν)τα, ὡς ἐν τῷ ψ(αφίσματι
 γέγραπτ)αι, κατάγρεντον
 (δὲ τὸν ἀθέτεντά τι τῶν ἐν τῷ ψαφίσματι γε-
 γρα)μμένων, ὡς κε μῆδ-
 (εν διάφορον εἶη τοῖς κατεληλυθόντεσσι π)ρὸς
 τοῖς ἐν τᾷ πόλι
 (πρόσθε ἕοντας, ἀλλὰ διάγοιεν οἱ διαλε)λύ-
 μενοι πάντες πρὸς ἄλ-
 (λάλοις ἀνυπόπτως καὶ ἀνεπιβούλε)ύτως καὶ
 ἐμμένον ἐν τᾷ ἀ-
 20 (πυκρίσει τᾷ τῷ βασιλῆος καὶ ἐν τ)αἱ διαλύσι
 τᾷ ἐν τούτῳ τῷ ψα-
 (φίσματι. Διαλλάκταις δ' ἔλεσθ)αι τὸν δᾶμυν
 ἄνδρας εἴκοσι δέκα
 (μὲν ἐκ τῶν κατελθόντων, δέκ)α δὲ ἐκ τῶν ἐν
 τᾷ πόλι πρόσθε ἐόντων.
 (Οὔτοι δὲ σπουδαίως φυλάσσ)οντον καὶ ἐπι-
 μέλεσθον, ὡς μῆδεν ἔσ-
 (σεται διάφορον τοῖς κατ)ελθόντεσσι καὶ τοῖς

- 25 (θε έόντεσσι. Πράξιοι δέ) ^{έν τᾷ πόλι πρόσ-} καί ^{φισβατημένων κτημάτων} ^(ώς οἱ τε κατέλθοντες κ) αἱ ^{πρὸς τοῖς έν τᾷ πό-} ^{λι έόντας καί πρὸς}
 (άλλάλοις μάλιστα μ) ^{έν διαλυθήσονται, αἱ δέ} ^{μή, έσσονται ως δικ-}
 (αιότατοι. καί έν τα) ^{ἱς διαλυσίεσσι, ταῖς ό θα-} ^{σιλεύς έπέκριννε,}
 (καί έν τᾷ συναλλάγ) ^{αι έμμενέοισι πάντες καί} ^{οικήσοισι τᾷ πό-}
 30 (λιν άτρέστως καί ό) ^{μονόντες πρὸς άλλά-} ^{λοις, καί περί χρημάτων}
 (πεδᾶ τὸ προσδέδεχ) ^{θαι ταῖς διαλύσις ως} ^{πλεῖστα καί περί ὀρκω}
 (τόν κε άπομόσσοισι οἱ) ^{πόλιται, περί τούτων} ^{πάντων ὅσα κε όμο-}
 (λογέωσι πρὸς άλλάλο) ^{ις, οἱ άγρέθεντες άν-} ^{δρες φέροντον έπί τ-}
 (όν δᾶμον, ό δέ δᾶμος άκο) ^{ύσαις, αἱ γε άγη-} ^{ται συμφέρην, βουλλευέτω.}
 35 (Αἱ δέ κε ό δᾶμος άγηται τᾶ) ^{όμολογήμενα} ^{πρὸς άλλάλοις συμφέρον-}
 (τα, ψαφίσασθαι καί τοῖς κα) ^{τελθόντεσσι έπί} ^{Σμινθίνα προτάνιος,}
 (ὅσα κε τοῖς λοιποίοισι ψαφ) ^{ίσθη. Αἱ δέ κέ τι} ^{ένδεύη τῷ ψαφίσματος.}
 (περί τούτω ά κρίσις έστω έπ) ^{ἰ τᾷ βόλλαι.} ^{Κυρώθεντος δέ τῷ ψαφίσ-}
 (ματός ύπὸ τῷ δάμω σύμπαντα) ^{τὸν δᾶμον} ^{έν τᾷ είκοίσται τῷ μήννος}
 40 (πεδᾶ τᾶν θυσίαν ^{εὔξασθαι τ}) ^{οἷς θέοισι έπί} ^{σωτηρίαι καί εὔδαι-}
 (μονίαι τῶν πολίταν πάντων) ^{γένεσθαι τᾶν δι-} ^{άλυσιν τοῖς κατελ-}
 (θόντεσσι καί τοῖς πρόσθε έ) ^{ν τᾷ πόλι έόντεσ-} ^{σι. Τοῖς δ) έ ἱρας τ-}
 (οἷς δαμοτέλεας πάντας καί) ^{ταῖς ἱρείαις} ^{δείγην τ(οἷς) ναύοις καί}
 (τὸν δᾶμον πρὸς εὔχαν συνέλ) ^{θην. Τᾶ δέ ἱρα} ^{τά ό δᾶμος (ε)ὔξατο, ὅτε έξ-}
 45 (έπεμψε τοῖς άγγέλοις ^{πρὸς)} ^{τὸν βασίληα,} ^{άποδύόμεναι τοῖς βασί-}
 (ληος γενεθλίοισι κατ' ^{έν(ί)αυ) τον. Παρέμμεναι} ^{δὲ τᾷ θυσίαι καί (το-)}
 (ἱς είκοσι άνδρας καί ^{τοῖς ά)γγέλοις τοῖς}

- πρὸς τὸν βασιλῆα πέ(μφ-)
 (θεντας τοῖς ἀπυ τῶν πρόσθε) ἐν τῇ πόλει ἐόν-
 τῶν καὶ τοῖς ἀπ(ὸ τῶν)
 (κατελθόντων. Τὸ δὲ ψάφισμα τ)οῦτο ἀναγρά-
 ψαντες τοῖς τ(αμίαις εἰς)
 50 (στάλλαν— — — —).

281). We follow the text of Schwyzer, 657. Our restoration of line 1 was suggested by M. Loewe.

- (— — — — ἐπεὶ ἔπεμψε πρὸς ἡ(μέας ὁ βασι-)
 (λεὺς 'Αλέξ)ανδρος τὸ διάγρ(α)μμα, γραφῆ-
 ναι κατὸ τὰ ἐ-
 (πανωρ)θώσατο ἅ πόλεις τὰ ἐν τοῖ διαγράμμα-
 τι ἀντίλ-
 (εγόμενα. Τὸς φυγάδας τὸς κατενθόντας τὰ
 5 κομίζεσθαι, ἐς τοῖς ἔφευγον, καὶ τὰ ματρῶια
 ὅσαι ἀ-
 νέσδοτοι τὰ πάματα κατήχον καὶ οὐκ ἐτύνχα-
 νον ἀδ-
 δελφεὸς πεπαμέναι. Εἰ δὲ τινι ἐσδοθένσαι συνε-
 πεσ-
 ε τὸν ἀδελφεὸν καὶ αὐτὸν καὶ τὰν γενεὰν ἀπο-
 λέσθα-
 ι, καὶ τανὶ ματρῶια ἦναι, ἀνώτερον δὲ μηκέτι
 ἦναι. 'Ε-
 10 πὲς δὲ ταῖς οἰκίαις, μίαν ἕκαστον ἔχεν κατὸ
 τὸ διά-
 γραμμα. Εἰ δὲ τις ἔχει οἰκία κᾶπον πρὸς αὐ-
 τῇ, ἅ(λλ)ον μ-
 ἢ λαμβανέτω. Εἰ δὲ πὸς τῇ οἰκίᾳ μὴ πόεστι
 κᾶπος, ἐ-
 ξαντία δ' ἔστι ἰσόθι πλέθρω, λαμβανέτω τὸν
 κᾶπον.
 Εἰ δὲ πλεον ἀπέχων ὁ κᾶπὸς ἐστι πλέθρω, τῶνι
 τὸ ἡμι-
 15 σσον λαμβανέτω, ὥσπερ καὶ τῶν ἄλλων χωρί-
 ῶν γέγρα-
 πται. Τῶν δὲ οἰκιῶν τιμὰν κομίζέσθω τῷ οἴκῳ
 ἕκαστ-
 ω δύο μνᾶς. Τῶν δὲ τιμασίαν ἦναι τῶν οἰκιῶν
 κατάπε-
 ρ ἅ πόλεις νομίζει. Τῶν δὲ κάπων διπλάσιον τὸ
 τίμαμ-
 α κομίζεσθαι ἢ ἐς τοῖ νόμοι, τὰ δὲ χρήματα
 ἀφεῶσθα-
 20 ι τὰν πόλιν καὶ μὴ ἀπυλιῶναι μήτε τοῖς φυγά-
 σι μήτ-

- ε τοῖς πρότερον οἴκοι πολιτεύονσι. Ἐπὲς δὲ
 ἀναγορίαις ταῖς ἐσλελοίπασι οἱ φυγάδες, τὰν
 ἰν βωλεύσασθαι, ὅ τι δ' ἂν βωλεύσητοι ἅ πό-
 λιν, κύριο-
 ν ἔστω. Τὸ δὲ δικαστήριον τὸ ξενικὸν δικάζεν
 ἐξήκ-
 25 οντα ἀμερᾶν. Ὅσοι δ' ἂν ἰν ταῖς ἐξήκοντα ἀ-
 μεραῖς μὴ
 διαδικάσωνται, μὴ ἦναι αὐτοῖς δικάσασθαι ἐ-
 πὲς τ-
 οῖς πάμασι ἰν τοῖ ξενικοῖ δικαστερίοι, ἀλλ' ἰν
 τοῖ
 πολιτικοῖ ἀί. Εἰ δ' ἂν τι ὕστερον ἐφευρίσκων-
 σι, ἰν ἀ-
 μεραῖς ἐξήκοντα ἀπὸ ταῖ ἂν ἀμέραι τὸ δικα-
 στήριο-
 30 ν καθιστᾷ. Εἰ δ' ἂν μὴδ' ἰν ταῖννου διὰδικάση-
 τοι, μηκέ-
 τι ἐξέστω αὐτῷ δικάσασθαι. Εἰ δ' ἂν τινες ὕ-
 στερον
 κατένθωνσι, τῷ δικαστηρίῳ τῷ ξενικῷ (μ)ηκέτι
 ἐόντ-
 ος, ἀπυγραφέσθω πὸς τὸς στραταγὸς τὰ πά-
 ματα ἰν ἀμ-
 εραῖς ἐξήκοντα, καὶ εἰ κ' ἂν τι αὐτοῖς ἐ(π)α-
 πύλογον ἦ-
 35 ι, δικαστήριον ἦναι Μαντινέαν. Εἰ δ' (ἂν μὴ)
 διαδικάσ-
 ητοι ἰν ταιν(νί) ταῖς ἀμέραις, μηκέτ(ι) ἦναι
 αὐτοῖ δι-
 κάσασθαι. Ἐπὲς δὲ τοῖς ἱεροῖς χρήμασιν (ὀ)-
 λῶ(ς οὐ) ν τ-
 οῖς ὀφειλήμασι, τὰ μὲμ πὸς τὰν Θεὸν ἅ πόλις
 διωρθώ-
 σαυ, ὁ ἔχων τὸ πᾶμα ἀπυδότω τῷ κατηνθη-
 κότε τοῖ ἡμ-
 40 ισσον κατάπερ οἱ ἄλλοι. Ὅσοι δὲ αὐτοὶ ὥφη-
 λον ταῖ θε-
 οῖ συνινγύας ἢ ἄλλως, εἰ μὲν ἂν φαίνητοι ὁ
 ἔχων τὸ
 πᾶμα διορθωμένος ταῖ θεοῖ τὸ χρέος, ἀπυδό-
 τω τὸ ἡμ-
 ισσον τῷ κατιόντι κατάπερ οἱ ἄλλοι μηδὲν
 παρέλ-

- (κ)ων. Εἰ δ' ἂν μὴ φαίνηται ἀπυδεδωκῶς ταῖ
 45 τω τοῖ κατιόντι τὸ ἡμισσον τῷ πάματος, ἐς δὲ
 τοῖ ἡμ-
 ἴσσοι αὐτὸς τὸ χρέος διαλυέτω. Εἰ δ' ἂν μὴ θό-
 ληται δι-
 αλυῖσαι, ἀπυδότω τοῖ κατιόντι τὸ πᾶμα ὅλον,
 ὃ δὲ κο-
 μισάμενος διαλυσάτω τὸ χρέος ταῖ θεοῖ πᾶν.
 "Ὅσαι δ-
 ἐ γυναῖκες τῶν φυγάδων ἢ θυγατέρες οἴκοι
 50 μίνονσ-
 σαι ἐγά(μ)αντυ ἢ φυγόνσαι ὕστερον ἐγάμαν-
 τυ (ι)ν Τεγέ-
 αν κα(ι) ἐπίλυσιν ὠνήσαντυ οἴκοι μίνονσαι,
 ταννὶ μ-
 ἦτ' ἀ(πυδοκ)ιμάζεσθαι τὰ πατρῶια μήτε τὰ
 ματρῶια μ-
 ηδὲ τὸς ἐσγόνος, ὅσοι μὴ ὕστερον ἔφυγον δι'
 ἀνάγκας
 καὶ ἴν τοῖ νῦν ἐόντι καιροῖ καθέρπονται ἢ αὐ-
 55 ται ἢ
 παῖδες ταννί, δοκιμάζεσθαι καὶ αὐτάς καὶ τὸς
 ἐς τ-
 αιννὶ ἐσγόνος τὰ πατρῶια καὶ τὰ ματρῶια καὶ
 τὸ διά-
 γραμμα. Ὀμνύω Δία, Ἀθάναν, Ἀπόλλωναν,
 Ποσειδᾶνα, εὐν-
 οήσω τοῖς κατηνηκόσι τοῖς ἔδοξε τᾷ πόλι
 κατυδ-
 έχεσθαι καὶ οὐ μνασικακήσω τῶννυ οὐδέν(ι)
 τ(ᾶ) ἂν ἀμ-
 60 η(ε)ῖση ἀπὺ τᾷ ἀμέραι τᾷ τὸν ὄρκον ὥμοσα,
 οὐδὲ δια-
 κωλύσω τὰν τῶν κατηνηκότων σωτηρίαν οὐ-
 τε ἴν τα-
 Ι..Σ..ΥΛΛΙΙΑ οὔτε ἴν τοῖ κοινοῖ τᾷς πόλιος
 ..Λ..Ε..
 Λ. ΣΚΛΙΣ..ΛΙΛΙΑ..ΦΑ..ΜΑ....Ι πὸς τὸς κα-
 τηνηκό-
 τας....Τ..Λ..ΛΙΑ..Λ τᾷ πόλι ..Τ.Σ.ΣΙ.ΕΚ.....ΤΙ
 65(τ)ᾶ ἴν τοῖ διαγρά(μ)ατι γεγραμ-
 μένα Τ.Ε.Σ
 ..Ρ.ΛΙΛΙΡ..... (ο)ὐδὲ θωλεύσω πὸς οὐδένα.

282). For Elis cp. notes 55 and 256 on Michel, 1334—Schwyzer, 424, a law which is a few decades earlier than Alexander's amnesty. Similar protective regulations for relatives of

banished refugees were valid in Sparta during the second century B.C. (Polyb. XXIV, 7, 3 and 8). The analogies with Elis and Tegea make it likely that they were pre-Hellenistic, and introduced during the fourth or later fifth centuries B.C. Kahrstedt, *Staatsr.*, 39 f. believes that Gylippus enjoyed all civic rights in spite of his father's banishment in the middle of the fifth century; but our authorities do not unanimously support such a conclusion. Cp. Aelian. *Var. Hist.* XII, 43.

283). Cp. A. Plassart, *B.C.H.* 38 (1914), 157 f.

284). Cp. Plassart, *loc. cit.*, 142.

285). Cp. A. Raeder, 'L'arbitrage international chez les Hellènes' (1912); M. N. Tod, 'International Arbitration Amongst the Greeks' (1913); A. Steinwenter, 'Die Streitbeendigung im griechischen Rechte.' *Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch.* 8 (1925), 172 f.; M. I. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941), 613 f., 1109, 1113 f.

286). Michel, 417: (Ἔδ)οξε τᾷ βουλᾷ καὶ τῷ δάμῳ. Γνώμα προστατᾶν. Ἐπειδὴ

(ὁ δ)ᾱμος ὁ Ἰασέων ἐν τε τοῖς πρότερον χρό-
νοῖς εὖνους ἄν καὶ

(φίλ)ος διατελεῖ τῷ δάμῳ Καλυμνίων καὶ
νῦν πρεσβεύ-

(ον)τος τοῦ δάμου καὶ ἀξιοῦντος δόμεν ἄν-
δρας πέντε,

5 (οἷτι)νες παραγενόμενοι μάλιστα μὲν διαλυ-
σεῦντι τοὺς

(διαφ)ερωμένους τῶν πολιτᾶν, εἰ δὲ μή, κρι-
νεῦντι διὰ ψάφου,

(ἀπέσ)τειλε ἄνδρας καλοὺς κάγαθοὺς, οἱ πα-
ραγενόμενοι

(παῶ)σαν σπουδᾶν ἐποίησαν τοῦ(του) διαλυ-
θέντ(α)ς τοὺς

(πολ)ίτας τὰ ποτ' αὐτοὺς πολιτεύεσθαι μετ' ὁ-
μονοίας.

10 (καὶ ᾱ)πογραφεισᾶν δικᾶν εἰς τὸ δικαστήρι-
ον (πλε)όνων

(τρι)ακοσιᾶν πεντήκοντα, τὰς μὲν πλείσ-
(τας) διέλυσαν

(πέισ)αντες τοὺς ἀντιδίκους, ὅπως μὴ διὰ ψά-
φου τῶν πρα-

(γμά)των κρινομένων εἰς πλέω ταραχᾶν ὁ δᾱ-
μος

(ῥ)ᾱθισ)τᾶται. Τινὰς δὲ καὶ διαίτασαν συμπε-
ρόντως

15 (ἄμφο)τέροις τοῖς ἀντιδίκοις. Δέκα δὲ δικᾶν
εἰσαχθεισᾶν

(εἰς τὸ δι)καστήριον ἔκριναν διὰ ψάφου κατὰ
 τε τὸ διάγραμ-
 (μα τοῦ) βασιλέως καὶ τοὺς νόμους, ὄντες ἀνε-
 ρίθευτοι
 (καὶ δ)οκεῖν δηλόμενοι — — — — —

287). Cp. with earlier bibliography Glotz, *Histoire* IV 1, 92 f., 131 f., 217 f., 223 f.

288). Cp. Glotz, *Solidarité*, 545; L. Beauchet, 'Histoire du droit privé de la république athénienne' III (1897), 31 f.; L. Plassart, loc. cit., 152.

289). Busolt-Swoboda, 617 f.; R.E. Suppl. IV art. Anleihen; A. M. Andreades, 'A History of Greek Public Finance' I (1933) index s.v. temples.

290). Arrian. *Anab.* II, 1, 4: — τοὺς δὲ φυγάδας αὐτῶν κατιέναι ἐπὶ τοῖς ἡμίσεσι τῶν τότε ὄντων ὅτε ἔφυγον — —.

291). Cp. P. Cloché, 'Demosthènes' (1937), 272 f.; Glotz, *Histoire* IV 1, 219 f., 266.

292). Diod. Sic. XVIII, 55-56: — — εἰ δὲ μή, φεύγειν αὐτὸν καὶ γενεὰν καὶ τῶν ὄντων στερέσθαι.

Cp. F. Schwahn, *Klio* Beih. 21 (1930), 43; H. Bengtson, *Die Strategie in der hellenistischen Zeit.* Muench. Beitr. zur Papyrusf. und ant. Rechtsgesch. 26 (1937), 84 f.; A. Heuss, *Hermes* 73 (1938), 142 f.; Glotz, *Histoire* IV 1, 292 f. Even a law of the second century B.C. from Tauromenium in Sicily which, perhaps, contains remodelled regulations, preserves the archaic formula: *δυσσαγείτω καὶ αὐτὸς καὶ γέ(νος αὐτοῦ).*

Cp. I.G. XIV, 432=S.G.D.I. 5230=S.E.G. IV, 5=V. Arrangio-Ruiz and Olivieri, 'Inscriptiones Graecae Siciliae et Infimae Italiae ad ius pertinentes' (1925), p. 133 No. 15 line 4.

293). Plut. *Flamin.* XII.

294). This question has recently been fully discussed by M. I. Rostovtzeff, 'The Social and Economic History of the Hellenistic World' (1941). Cp. especially the first and the last chapters of this standard work.

295). The epilogue of this book was completed before the 'Atlantic Charter' had been issued by President Roosevelt and Prime Minister Churchill in 1941. Meanwhile the moving letter which was written by Stefan Zweig, the distinguished Austrian writer, before his tragic suicide, has added weight to our plea.

INDEX I : NAMES AND SUBJECTS

- Abdera : note 98, 103.
 Acarnania : p. 50 and note 99.
 Achaean League : p. 39-40.
 Admetus : p. 55.
 Aegina : p. 31 and notes 90, 211.
 Aegospotami : p. 59.
 Aeneas Tacticus : p. 53 and notes 128, 215.
 Aenus : p. 50.
 Aeschylus : p. 1, 41 f.
 Aetolian League : p. 40, 69.
 Agis of Sparta : p. 63.
 Agrigentum : p. 55.
 Alcibiades : p. 21 f., 30, 44, 47 f., 55, 65 and notes 63, 257.
 Alcmaeonids : p. 5 f., 10 f., 12 f., 20, 29, 44, 47 f., 58 and notes 13, 17.
 Alexander the Great : p. 20, 31, 39, 64, 67 f., passim and notes 85, 132, 256, 269-286.
 Alexander, son of Polyperchon : p. 64.
 Alexandria ad Aegyptum : p. 39.
 amnesties : p. 9, 12, 57 f. passim and notes 17, 107-112, 174, 223-293.
 Amphipolis : p. 31 f., 65 and note 91.
 Amphissa : p. 31.
 Anaxagoras, the philosopher : p. 29 and notes 66, 85.
 Andocides : p. 17, 32 f., 37 f., 40, 59 and notes 85, 107, 112.
 Antigonus Gonatas : p. 64 and note 252.
 Antigonus Monophthalmus : p. 64 and note 126.
 Antioch on the Orontes : p. 39.
 Antipater of Macedonia : p. 67 f.
 Antiphon of Athens : notes 33, 75.
 Anytus : p. 70.
 Aratus of Sicyon : p. 64 and notes 134, 252.
 Arcadia : p. 68, 69.
 Archippus of Thasos : p. 28 f. and note 79.
 Areopagus : p. 9, 19, 57, 60 and notes 14, 16.
 Arginusae : p. 49.
 Argos : p. 21, 31.
 Aristides of Athens : p. 59.
 Aristippus of Thessaly : p. 32.
 Aristodicus : p. 53 f.
 Aristogeiton : p. 13, 17 and notes 31, 50.
 Aristophanes of Athens : p. 14.
 Aristotle, the philosopher : p. 10, 13, 18, 47, 67 and notes 22, 85.
 Arthmius of Zeleia : p. 20 f., 48 and notes 33, 56, 235.
 Arybbas of Epirus : p. 50 and note 200.
 asylum : p. 1 f., 6 f., 33, 42, 47 f., 52 f. and notes 1, 4, 142.
 Atarneus : p. 54 f.
 Athens : passim and especially p. 5 f., 13 f., 19 f., 30 f., 42 f., 46 f., 57 f., 69, 75, 81 f.
 atimia : p. 1, 7, 10, 27, 58 f., 65 f. and notes 1, 20, 22, 68.
 Atlantic Charter : note 295.
 Boeotia : p. 31 and note 218.
 Brasidas : p. 31.
 Byzantium : note 198.
 Calymna : p. 69, 78 and note 286.
 capitalism : p. 32.
 Carphinas of Acarnania : p. 50.
 Carthage : p. 25.
 Cassander of Macedonia : note 132.
 Catana : note 211.
 Ceos : p. 27, 31 and notes 76, 78, 264.
 Chaeronea : p. 35 f., 37 f., 49 f., 64, 68.
 Chalcis : p. 24 f., 30 and notes 68, 70, 72, 154.

- Charidemus : p. 28 f., 31 and note 80.
 Chios : p. 31, 54 f., 68 and note 100.
 Cimon, stepbrother of the elder Miltiades : note 174.
 Cimon, son of the younger Miltiades : p. 20, 45, 47 f. and note 49.
 Clazomenae : p. 26, 31 and note 73.
 Clearchus of Sparta : p. 32.
 Cleisthenes of Athens : p. 13 f., 18, 30, 47, 57 and notes 31, 34.
 Cleomenes I of Sparta : p. 13 f., 55 and notes 34, 40, 85.
 Cleomis of Methymna : p. 64 f. and note 251.
 Cnossos : note 174.
 Colophon : note 202.
 Corax, the rhetor : note 256.
 Corcyra : p. 47, 55.
 Corinth : p. 25 and note 256.
 Corinthian League : p. 38 f., 44, 68 and notes 126-130.
 Cotys of Thrace : p. 50 and note 197.
 courts of law : p. 6 f., 9, 14, 24 f., 27 f., 62, 69 f., 73 f., 75 f., 78 and notes 5, 14, 16, 17, 63, 66, 83, 85.
 Critias of Athens : p. 65 and note 66.
 Cydonia : p. 52 and note 214.
 Cylon of Athens : p. 5 f., 7, 14 and notes 13, 14, 17.
 Cyme : p. 53 f.
 Cyprus : p. 33.
 Cyrene : p. 42 and notes 6, 142, 251, 268.
 Cyrus, the elder : p. 53.
 Cyrus, the younger : p. 32.
 Danaides : p. 41.
 Delian League : p. 20 f., 23 f., 26 f., 38, 44, 48, 66 and notes 74, 154.
 Delos : p. 28, 31, 46, 51 f.
 Delphi : p. 5, 13, 31, 69 and notes 85, 198.
 Demetrius Poliorcetes : notes 126, 132.
 Demophantus : p. 17 f., 23, 26, 30 and note 50.
 Demosthenes : p. 17, 64 f. and note 66.
 dike : p. 3 and note 9.
 Dinarchus : note 66.
 Diocles of Syracuse : note 85.
 Diodorus Siculus : p. 39, 68 f.
 Draco : p. 57 and notes 5, 22.
 eisangelia : p. 9, 18, 29 and note 54.
 Eleusis : p. 14, 63 f. and note 40.
 Elis : p. 42, 68, 75 f. and notes 6, 55, 256, 282.
 Ephesus : p. 68 and note 202.
 Eresus : p. 31, 69 and note 270.
 Eretria : p. 12 and notes 143, 160.
 Ergoteles : note 174.
 Erythrae : p. 22 f., 26 and notes 55, 202.
 euergesia : p. 47, 51.
 Eupatridae : p. 6 f., 12 f.
 Euripides : p. 37.
 French Revolution : p. 9.
 Gelon of Syracuse : note 256.
 Gylippus of Sparta : note 282.
 Halicarnassus : note 19.
 Harmodius : p. 13, 17 and notes 31, 50.
 Hellenistic period : p. 32, 37, 39, 45, 64, 67.
 Heraclea in Trachis : p. 31 f. and note 211.
 Hermæ : p. 33.
 Herodotus : p. 1, 7.
 hiceteria : p. 2 and notes 1, 6, 142.
 Himera : note 174.
 Hipparchus, son of Pisistratus : p. 13 and notes 24, 31.
 Hipparchus of Thasos : p. 28 f. and note 79.
 Hippias of Athens : p. 13 f., 47 and note 24, 52.
 Histiaea : p. 30 and note 66.

Homer : p. 4, 44, 53 and notes 5, 10, 12.

Hyperbolus : p. 30 and note 86.

Hypereides : p. 49, 64, 66.

Iasus : p. 31 and note 286.

Isagoras of Athens : p. 13 f. and notes 33, 34, 37, 235.

Isocrates : p. 36.

Isotimides : p. 33.

Iulis : see Ceos.

Lemnos : note 87.

Leocrates : p. 35 f. and notes 113-124.

Lesbos : p. 54 and notes 19, 264.

Locris : note 143.

Lycurgus of Athens : p. 35 f.

Lysander of Sparta : p. 31.

Lysias of Athens : p. 48 and note 113.

Maeandrius of Samos : p. 55 and note 219.

Mantineia : p. 74, 77 f. and note 281.

Marathon : note 228.

Marcellinus : p. 65.

Maussolus of Caria : p. 31.

Mazares : p. 54.

Megacles, the elder : p. 5 f. and notes 13, 15.

Megacles, the younger : p. 10 f. and note 23.

Megara in Greece : p. 5 f., 35 f., 37 and notes 211, 256.

Megara in Sicily : p. 55.

Melos : p. 25.

mercenary soldiers : p. 32 and note 104.

Messene : p. 30, 48 and note 218.

Methymna : p. 64.

metics : p. 38, 41 f., 46 f. and notes 113, 136-159.

Miletus : p. 53 f. and notes 19, 103.

Miltiades, the younger : p. 45 and note 87.

Mylae : note 211.

Mylasa : p. 31.

Mytilene : p. 31, 54 f., 68, 69 f., 77 f., 78, 80 and notes 69, 256.

naturalisation : p. 14, 43, 47 f., 51.

Naupactus : p. 48.

Naxos : p. 11 and note 211.

Nicanor of Stagira : p. 67.

Nicias of Athens : p. 43, 50.

Nicocles of Sicyon : p. 64.

Nicophanes of Athens : p. 38.

oaths : p. 17 f., 23, 24 f., 57, 61, 70, 71, 74, 80 and notes 49-52.

Oenobius of Athens : p. 65 and note 260.

Olympian festival : p. 5, 67 f. and notes 174, 272.

Olynthus : note 98.

Orneae : note 211.

ostracism : p. 15 f., 30, 59, 66 and notes 43, 86.

Pactyes : p. 53 f.

Panathenaean festival : p. 43.

Patrocleides : p. 59 f., 65 and notes 229-233.

Patroclus : p. 4 and note 10.

Pausanias, Spartan regent : p. 20.

Pausanias, Spartan king : p. 63.

Peisitheides : p. 28 f., 46, 51 f. and notes 81, 209.

Pellene : p. 31.

Pelopidas : p. 38.

Peloponnesian League : p. 38, 44.

Pergamum : p. 39.

Pericles : p. 14, 19, 29 f., 48 f. and notes 49, 66.

Persian Empire : p. 19 f., 23 f., 31 f., 34, 39, 47, 53 f., 55, 59, 80 and notes 87, 103, 106.

Pharnabazus : p. 80.

Philip II of Macedonia : p. 31, 35, 38 f., 44, 49, 64, 68, 69 and note 126.

Philip Arrhidaeus of Macedonia : p. 20, 81 and note 292.

Philocrates of Athens : note 66.

Philo of Amphipolis : p. 31.

Phlius : p. 66 f. and notes 266, 267.

Phormisius of Athens : note 249.

- Phormio of Acarnania : p. 59
and note 201.
- Phrynichus : p. 50.
- Phyle : p. 50 and note 194.
- Piraeus : p. 43, 48, 61.
- Pisander of Athens : p. 33.
- Pisistratus and Pisistratids : p.
10 f., 13 f., 18, 44, 47 and notes
22, 24, 33, 52, 174, 235.
- Plataeae : p. 31, 49 f., 68 and
notes 51, 95, 204, 211, 264.
- Plato : p. 36.
- Plutarch : p. 40, 57.
- Polycrates of Samos : p. 55.
- Polyeuctus : p. 37 and note 125.
- Potidaea : p. 31 and note 90.
- Protagoras, the philosopher :
note 85.
- proxenia : p. 20, 29, 31, 41 f.,
44 f., 46 f., 51 f. and notes
160-173.
- Prytaneum : p. 6, 57, 60 and
notes 17, 233.
- Ptolemy I of Egypt : p. 67 and
note 268.
- Ptolemy II of Egypt : p. 64 and
note 252.
- Rhodes : p. 35.
- Roman Empire : p. 36, 40 f., 81.
- Salamis : p. 59.
- Samos : p. 31, 33, 49 f., and notes
70, 202.
- Scillus in Triphylia : p. 52.
- Scione : p. 50.
- Seleucia ad Tigrim : p. 39.
- Selymbria : note 264.
- Seneca : p. 39.
- Sicily : p. 66, 76, 83 and note
256.
- Sicyon : see Aratus.
- Sinope : p. 30.
- Sitalces : p. 21 and note 61.
- slavery : p. 35, 41 f., 49, 64.
- Solon : p. 6 f., 18, 47, 57 f., 60,
65 and notes 1, 6, 17, 18, 22,
224, 256.
- sophists : p. 30, 37.
- Sparta : p. 13 f., 20 f., 26 f., 30 f.,
34, 38, 39, 44 f., 47 f., 55, 60 f.,
66 f., 75 f. and notes 63, 66,
128, 211, 218, 237, 282.
- Stratocles of Amphipolis : p. 31.
- suppliants : p. 6, 53 f.
- Sybaris : p. 25 and notes 103,
202.
- Syloson : p. 55.
- Syracuse : notes 66, 85, 202, 218,
256.
- Tabalus : p. 53.
- Tauromenium : note 292.
- Tegea : p. 69, 71 f. and notes
218, 282.
- Teles, the philosopher : p. 40.
- Teos : notes 19, 103.
- Thasos : p. 28, 31 and notes 19,
95, 256, 262.
- Theagenes of Megara : p. 5.
- Thebes : p. 38 f., 68 and notes
132, 277.
- Themistocles : p. 20, 22 f., 37,
47 f., 55, 59, 66 and notes 33,
64, 78, 217, 235.
- Thrasybulus of Athens : p. 38,
50, 61 f. and notes 52, 194,
241-249.
- Thrasybulus of Calydon : p. 50.
- Thrasydaeus of Agrigentum : p.
55 and note 220.
- Thirty Tyrants : p. 31, 34, 45,
57, 60 f. and notes 63, 128,
218, 237, 238.
- Thucydides : p. 22 f., 65 and
notes 66, 258-263.
- Thyrea : note 211.
- Timoleon : p. 66, 67, 76, 83 and
note 256.
- Tisias, the rhetor : note 256.
- tribal law : p. 1 f., 8, 52.
- Troezen : p. 49, 68 and notes
196, 271.
- Tyrtaeus : p. 37.
- Xenophon : p. 52 and notes
106, 213, 258.
- Zacynthos : note 264.
- Zeleia : see Arthmius.
- Zweig, Stefan, Austrian refugee
poet : note 295.

INDEX II : SOURCES

1.—Literary passages discussed or quoted in translation :—

- Andoc. I, 73-80 : p. 59 f. and notes 231-233.
Andoc. I, 91 : p. 63 and note 249.
Andoc. I, 97, 98 : p. 17 and note 50.
Andoc. I, 107 f.: p. 59 and note 227.
Andoc. II, 10 : p. 34 and note 112.
Schol. Aristoph., *Lysistr.*, 273 : p. 14 and note 40.
Aristot., *Ath. Pol.*, XVI, 10 : p. 10, 18 and notes 21, 22.
Aristot., *Ath. Pol.*, XXXIX, 6 : p. 61 and note 243.
Demosth. XVII, 10, 16 and 19 : p. 37 f. and notes 127, 129, 130.
Demosth. XXIII (619 620) : p. 28 and note 80.
Demosth. XXIV, 144 : p. 17 and note 49.
Demosth. XXIV, 149-151 : p. 17 and notes 51, 223.
Diod. Sic. XVIII, 8, 2, 4-5 : p. 67 f. and notes 269, 272.
Hdt., I, 157-161 : p. 53 f. and note 216.
Isocr. XVI, 9 : p. 21 and note 63.
Lysias. Πρὸς Ἰπποθέσσην frgm. 2 : p. 61 and note 244.
Xenoph., *Hell.* II, 4, 38 : p. 61 and note 242.
Plut. *Sol.*, XIX : p. 57 f. and notes 17, 224.

2.—Inscriptions discussed or quoted in translation :—

- I.G. I², 10-12 13 : p. 22 f. and notes 55, 67.
I.G. I², 39 : p. 24 f. and notes 68, 70, 72, 154.
I.G. II², 24 b : p. 28 and notes 79, 82.
I.G. II², 28 : p. 26 and notes 73, 102.
I.G. II², 43 : p. 26 and note 74.
I.G. II², 111 : p. 27 f. and notes 76, 78, 96, 264.
I.G. II², 222 : p. 28 f. and note 81.
I.G. II², 226 : p. 29 and note 82.
I.G. XII Suppl. p. 3 No. 6 : p. 69 f. and note 280.
Marmor Parium, 46 : note 37.
Schwyzer, 424 : p. 75 and notes 55, 256, 282.
Schwyzer, 657 : p. 69, 72 f. and notes 274, 281.

By the same Author :

“WORLD PEACE AND THE REFUGEE PROBLEM”
(In Preparation)

TABLE OF CONTENTS

- I. INTRODUCTION : The Present War—Peace Aims and Refugee Problem—Restitution or Prevention of Recurrence ?
- II. REFUGEES AND ASYLUM : Definition of Refugees—Distinct from Economic Migrants—Asylum in Antiquity—Right of Asylum and Right to Work.
- III. REFUGEES IN HISTORY : Ancient Egypt, Israel and Greece—Christianity and Reformation—Politics instead of Religion—Minorities and Nationalism.
- IV. ANTI-SEMITISM : The Racial Myth—Jews in Antiquity—Jews in Palestine—Hellenization—Alexandria—Rome—Anti-Jewish Literature—Immortality Mysteries and Christianity—The Jewish Rebellions—The Christian Empire—Crusades—Xenophobia of Middle Ages—Accusations and Economic Restrictions—Reformation and National States—Emancipation and Economic Competition—Strangers from Palestine—Jews, Liberalism and Nationalism.
- V. FORCED MIGRATION : Economic and Political Causes—The National State and Divided Loyalty—The Jews in Germany—The Bad Example to Other States—Dissenting Minorities.
- VI. REFUGEE MENTALITY : The Destitute Refugee—The Hope of Return—Assistance to Revolution—Assimilation.
- VII. THE PRESENT AND THE POTENTIAL PROBLEM : Two Phases—Refugees from Last War—The Turko-Greek Settlement—Armenians, Assyrians and Russians—The Receiving Countries—The Magnitude of the Existing Problem—Nationalism and the New War—The Potential Problem in the East.
- VIII. ATTEMPTS AT SOLUTION : In Antiquity and Middle Ages—Legal Work of the League of Nations—Universal Action—Evian-Washington—Naturalization by Service.
- IX. PEACE TERMS AND REFUGEES : Restitution by Germany ?—Alexander's Restitution and the “Billion” of Charles X—Reparations and Restitution—The General Sacrifice—Effects of war on contracts concluded during the war—Void and voidable juristic acts entered into in enemy occupied territories—The avoidance must be effected within two years after the evacuation of the country by the enemy or the exchange of prisoners of war—Liability for War Damage—Joint declara-

tion of the Allied Nations and the French National Committee (Jan. 5th, 1943), relating to all rights which have changed hands through enemy action, either by "open looting, by apparently legal transactions, or transactions purporting to have been voluntarily effected."

X. SETTLEMENT OR REPATRIATION?: National Labour—The Benefit of Immigration—Trade and Tariffs—Occupational Structure of Refugees—Costs of Agricultural Settlement—Necessity of Mass-Repatriation—Germany After the War—Elimination of Causes of Forced Migration.

XI. INTERNATIONAL RELATIONS: Causes of War and Forced Migration—Eternal Peace or Eternal War?—The Peace of the Empires—Pax Romana—Truce of God—National Power Politics in Greece and Rome—Discrepancy between Political and Economic Structure—International regulation of the Production and Distribution of Raw Materials—Colonies and their administration—proposed re-grouping—colonial development, intellectual, social, and economic, by free immigration, compulsory and free primary education without any restriction of race, colour or creed—encouragement of higher education—improvement of agriculture and development of industry without any restriction on account of race, colour and creed to entry into skilled trades and professions—intellectual and economic co-operation with the mother country and also other countries, especially those within the same geographical area—Field-Marshal J. C. Smuts', Sir Edward Grigg's and other plans—the evolution of self government—International Currency—Emergence of Nationality—Absolute Monarchy—The Divine Right—International Law—The Middle Class—Liberalism—The People's Army—Collectivism—Positivism—International Relations—Treaties—State and Individual.

XII. LEAGUE OF NATIONS AND TRADE RESTRICTIONS: The League and Power Politics—The League as Alliance—History of Failures—The Achievements of the League: I. Political Work; II. Important Legal Activities; III. Successful technical Activities; (a) Economic and Financial, (b) Communications and Transit, (c) Health, (d) Intellectual Co-operation, (e) Social and Humanitarian Work—Outstanding Work of the International Labour Organization—Confederation and Tariffs—Free Trade—International Liberalism—The Individual and Laissez-Passer—Free Migration—National Boundaries.

XIII. WORLD FEDERATION: Sovereignty—Natural Law and Individual—Sovereign Humanity and the Surrender of Sovereignty—Conditions for Political, Civil, Religious and Economic Liberty of the Individual in International Society. The Citizen of World Federation. World Court with Permanent Judges Representing the Different Groups of Legal Systems elected by the Delegates of the Universities, Judges' Confer-

ences, Bar Associations of the Different Countries in equal numbers from Professors of Law, Judges of Supreme Courts and Advocates with at least twenty years' practice. Division of the Court into two sections : (a) for Public Law, (b) for Private Law. Jurisdiction : I. Authoritative interpretation of International Treaties and Agreement ; II. Settlements of Disputes (a) between different states, (b) between individuals or associations and their own or foreign governments as Court of Appeal.—International Faculty of Law as the First Faculty of an International University for post-graduate students. Need of such an institution for international training of future legislators, professors, judges, international lawyers, diplomats, senior officials of great economic organisations, international institutions and journalists. International Centre of Documentation. International Library with Copyright Privileges from All Countries.

XIV. CONCLUSION : The Will for Peace—The Brotherhood of Man—Refugees and Federation—Include the Vanquished—Freedom, Equality, Fraternity—The Common Solution for War and Forced Migration—Atlantic Charter—Social Security adapted to the economic, social and cultural conditions of the different countries—Sir William Beveridge's and other social security schemes—Collective security—Efforts of the League of Nations—Failure of the Draft Treaty of Mutual Assistance of 1923 and of the Geneva Protocol of 1924—Locarno Treaties of 1925—Briand-Kellogg Pact of 1928—Plan for World Collective Security of the Inter-American Juridical Committee under the Chairmanship of Senhor Afranio de Mello Franco of 1943.

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